# THE LARGER TREATISE CONCERNING TITHES,

Long ſince written and promiſed by Sir *Hen: Spelman* Knight.

Together with ſome other Tracts of the ſame Authour, And a Fragment of Sir *Francis Bacon* Knight, all touching the ſame Subject.

*Wherewith annexed,*

An Anſwer to a Queſtion of a Gentleman of quality, made by a Reverend and Learned Divine living in *London*, concerning the ſettlement or abolition of Tithes by the Parliament, which cauſed him to doubt how to diſpoſe of his ſon, whom he had deſigned for the Miniſtery.

*Wherein alſo are compriſed,*

Some Animadverſions upon a late little Pamphlet called, *The Countries plea againſt Tithes*: diſcovering the ignorant miſtakings of the Authours of it touching the maintenance of the Miniſtery by ſuch means:

As alſo, upon the *Kentiſh* Petition.

*Publiſhed by* JER: STEPHENS *B.D.* According to the appointment and truſt of the Author.

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Richd Waring Vicar
of Withington. 1763.

# TO
# THE VVORSHIPFVLL
## My much Honoured friends, *John Crew* Esquire, and *Richard Knightley* Esquire, worthy Patriots of our Country *Northampton-Shire.*

*I Addresse unto you both, these severall Treatises, not onely out of duty and obligations to your selves, but in regard of your publike good affection to maintain the patrimony of the Church in Tithes, which is so fundamentally setled by our Laws, that nothing can be more certain by them. And the times now growing dangerous to the whole state of the Clergy in this particular, your selves having declared your opinions for Tithes, and accordingly been careful to preserve us in our rights, I hope this my service will be acceptable to you: what farther may be done depends upon Gods providence, and the good endeavours of all pious men to afford their best assistance. Seeing the Parliament hath honourably declared themselves for Tithes, both by their Ordinance and the repulse given to some Petitioners against them. For mine own part, though I expect censure and opposition from many, yet as an Ancient said,* In causa qua Deo placere cupio, homines non formido. *I have therefore in this needfull time, at the earnest request of many, adventured the rather to discharge the trust reposed in me by the worthy Knight Sir* Hen. Sp. *who being imployed in greater works, committed these to my care & trust to be published. His charge*

*doth neerly concern me, and in conscience I could not longer conceal them from the publique view. They have been long in my custody; and if the favour of your self M.* Crew, *in a time of danger, besides M.* Knightleys *publique deserts and defence of me since from scandalous people, had not prevented, they had been utterly lost by the injury of soldiers, together with other Manuscripts and Monuments of great consequence against the common adversary. Your selves having preserved them and me, I could not doe otherwise then return you the thanks and fruit of your own favours; and whosoever shall think these worthy the publique view, will have the like cause to render you thanks for saving both them and my self, being extreamly injured by some that are styled in our ancient Laws,* Villani, Cocseti, Perdingi, viles & inopes personæ; *by whose troubles I am inforced to omit divers additions materiall to this argument; which the learned Knight committed to me. But lest hereafter they should miscarry by any common danger, or neglect of mine, I could find no better means to prevent the same, then by committing these to the Presse, that they may live & be extant for the common benefit of Gods cause and Church. The piety, excellent learning and moderation of the Author, in all his expressions, will prevail much with those that are truly wise and sober, and if your protection shall concur to defend both them and my poor studies, I shall hope to give you farther account hereafter in other works of great moment. Thus praying God to guide and blesse you in all your pious endeavours, I subscribe my self,*

L.l. H.1.c.29.

Yours ever obliged,

JER: STEPHENS.

# To the READER.

*THE eminent worth and dignity of this religious Knight needs not to be set forth by the praise or pen of any man; his excellent learning, piety, and wisdome, were very well known to the best living in his time; and his owne works published in his life, together with the great applause conferred on them, both at home and in forain parts by learned noble Parsonages, and great Princes, are testimonies beyond all deniall, or exception. Among all other his singular deserts and works, there is none more illustrious, then his piety towards God, testified both in his holy course of life, and especially by his learned and godly Treatises, of the* Rights and Respect due to Churches. *Wherein he hath so accuratly proved, what is due to God, and to be rendred unto him, both for the time of his worship, and also for the means and places, wherein his worship is to be performed, that no true Christian, who embraceth the Gospel, but must acknowledge willingly his singular deserts and piety: His great knowledge in the Common Law of our Kingdome, and all other Laws whatsoever, divine or humane, ancient or modern, Civill or Canonicall,*

——Multa tenens antiqua, sepulta, vetusta, *Ennius.*
Quæ faciunt mores veteresque novosque tenentem,

*renders him singularly judicious above many other, and able to deliver the truth when he descends to speak of humane*

*laws and authorities, after he had first founded and setled his opinion upon the divine Law of God. Yet notwithstanding his piety, learning, and moderation in all his expressions, there wanted not a perverse spirit to oppose and scribble something against him, whereof hee tooke notice, and added a censure in his learned work the Glossary; and also among other his papers of this argument, he hath left a sufficient apology and justification of his former Treatise, which is here published for satisfaction to all that be truly pious and well-affected sons of the Church of* England.

*For his larger work of Tithes, which he prepared long agoe, it is also here added, though in some few places imperfect, and might have been better polished by his own hand, if he had engaged himself upon it, and desisted from his greater works so much desired by many eminently learned both at home and abroad: yet rather then suffer the losse of such a testimony of his piety to God, and good affection to uphold the setled maintenance of Gods House and Ministers, to* whom double honour is due, *as the Apostle saith, it is thought fit to publish it, as he left it, imperfect in some passages, and defective of such ornaments and arguments, as he could have added further, out of his store and abundance: though what he hath here delivered is so compleat, as doth fully discover the ability of his judgement, and that these reasons and illustrations produced by him could hardly have proceeded from any other Author, being agreeable to his expressions, style, and arguments delivered in his other writings. And at this instant it seems very necessary, in regard the humour and displeasure of many in the world, is now obstinately bent to beat down, root up, overthrow, and destroy, whatsoever the piety and wisdome of our forefathers built and contributed in the Primitive times of their faith and conversion to Christianity, as if all they did, were Popish*

1 Tim.1.15.

and

*and superstitious, fit to be rooted up: and as if themselves had a Commission as large as the great Prophet had from God,* and were set over the Nations and Kingdomes, to root out, and pull down, to destroy and to throw down, to build and to plant, *Jer.* 1.10.

*But if men will rest satisfied, either with proof from divine authority, there wants not enough here to guide their consciences: or with humane Laws and Statutes confirmed, and fully enacted by many Parliaments, whereby they are now become ancient and fundamentall, as well as any other Laws, together with the constant course and practice of above a thousand years in our Common-wealth, there wants not here the testimony of all our ancient Monuments, Statutes, Deeds, and Charters of our Kingdome, Princes, and Noble men, which this learned Knight hath more fully and compleatly published in order of time, and in their originall Saxon-language, in his first Tome of our English Laws and Councels, for the first five hundred years before the Conquest, being his last work before his death. Whereunto when the second Tome (which he hath also finished) shall be added for the next 500. years after the Conquest, together with his learned Commentary upon all difficult and ancient rites and customes; there will be abundant proof from all humane Laws, and the authority of our Common Law, together with the practice of our Kingdome, in severall ages, that no man can raise a doubt or exception, that shall not receive satisfaction fully and clearly. As for the Laws of* Israel, *and the Heathens also in imitation of Gods own people, the Decrees and Canons of generall Councels, in succeeding times, here is also such abundant testimony produced, that no judicious Reader can refuse to yeeld his vote thereto, and approbation for continuance.*

*There is another noble and religious Knight of* Scotland,

land, *Sir* James Sempil, *who hath so accurately laboured in this argument, and proved the divine right of Tithes from the holy Scriptures, insisting thereupon onely, and no other humane Authorities, or Antiquities, further then he finds thē to play upon the Text*, pro *or* contra, (as himself saith in his Preface) *that much satisfaction may be received from his pious endeavours; having therein cleared some Texts of Scripture from sinister interpretations, and exactly considered the first Institution and Laws for Tithes, delivered by God himself both in the Old and New Testaments.*

*If both these godly and learned witnesses of the truth will not serve the turn to convince the judgement of some ill-affected, they being both raised up by God out of both Nations, like to* Eldad *and* Medad, *among the people, extraordinarily to prophecy, and defend the truth, being moved and inspired doubtlesse by God himself, (besides those that belong to the Tabernacle) to uphold and maintain his own cause against the adversaries of his Church; yet they may well stop the mouths of worldlings and Mammonists from clamour and inveighing, and perswade them to acquiesce upon the known and fundamentall Laws of the Kingdome: which are as ancient and fundamentall as any other, or rather more, because they concern especially the upholding and maintenance of the worship of God, then which nothing can be more necessary or fundamentall: and therefore the pious and good King* Edward *the Confessor, doth begin his Laws with the recitall and confirmation of the Ecclesiasticall Lawes, and particularly of Tithes, Church-possessions, and Liberties thereof:* A legibus igitur sanctæ matris Ecclesiæ sumentes exordium, quoniam per eam Rex & regnum solidum habent subsistendi fundamentum, leges, libertates, & pacem ipsius concionati sunt.

Numb. 11. 26.

*Ll. ad confess. in Proœm.*

*Because*

*Because thereby the King and Kingdome have their solid foundation for subsistence, therefore the laws, liberties, and peace thereof are first proclaimed and established.*

*And thus begins also* Magna Charta, —Nos intuitu Dei, pro salute animæ nostræ, ad exaltationem sanctæ Ecclesiæ, &c. *and so also many other Statutes successively,* pour le common profit de Saint Esglise & del Realm, &c. *Westminst. 1.*

*The possessions, tithes, and rights of the Clergy being thus setled, they may doubtlesse be enjoyed, having been freely collated (according as was foretold by the Prophets,* Esay *and others) by Kings, Nobles, and many good men, fully confirmed by Law and Parliament, established by the possession of many hundred years: & that although in the beginning perhaps things were not so commanded in particular, as any man else may enjoy lands, goods, chattels, gifts and grants whatsoever is freely collated, purchased, or obtained by industry, or is freely given and bequeathed by Ancestors, or other Benefactors, although perhaps there be not divine right in speciall, to prove and justifie so much land, money, rents, or goods of any sort to be his due and right.* Esay 49.23.

If these things had not been primarily due unto God, by the rule of his Word, yet are they now his, and separate from us, by the voluntary gift and dedication of our ancient Kings and Predecessors. *Spelmans* first Treatise, § 5. & *cap.* 28. *inf.*

*God did foretell and promise by the Prophet* Esay, cap. 49.23. *that he would raise up in the Church of the redeemed, Kings and Queens to be nursing fathers, and nursing mothers to his Church; that is, saith* Calvin *upon the Text,* Magni Reges ac principes non solùm Christi jugum subierunt, sed etiam facultates suas contulerunt, ad erigendam & fovendam Christi Ecclesiam, ita ut se patronos & tutores ejus præstarent. *Kings and Princes should give much Lands, Revenues, and great maintenance for the worship of God, and his Ministers, attending thereon, which promise God abundantly performed by many*

*and great Emperours, Kings, and Princes in all Countries after their conversion to the faith.*

*The donations, gifts, and buildings of* Constantine *the first, and great Christian Emperour born at* York, *and* Helena *his mother an English Lady, exceeding religious and devout, are famous in History, together with their buildings and endowing of many ample and beautifull Churches in severall Counties of the Empire. Neither did he thus alone in his own persō, but he also gave leave to his subjects to doe the like, whereby the Church was greatly enriched in a short time.* C. L. 1. c. de sacrosanct. Ecclesiis, § Si quis authent. de Ecclesia.

*The gifts and buildings of divers other Emperours and Kings, as* Theodosius, Justinian, Pipin, *and* Charles *the great are endlesse to be repeated. When as any doth the like now, or repair old Churches formerly built, he is by some ignorant people tearmed Popish, or Popish affected.*

*The grants, buildings, and gifts of our own English Kings, Noble men, and Bishops, ever since our first conversion, are famous in our Histories: especially of King* Lucius, *and* Ethelbert, *the two first of the British and Saxon Kings: so also of* Egbert, Alured, Ethelwolph, Edgar, Edward *the Confessor, and many others in times following after the Conquest, (no Princes, or Nobles, being more bountifull then ours in* England.) *Their Charters and Acts of Parliament are extant in the first Tome of our Councels by this Authour; and many are also mentioned by the learned*

Dominicum aureum. *Nobilissimum Antiochiæ templum à Constantino M. inceptum, sub Constantio verò absolutum; & hoc epitheto præ excellentia honoratum, insigni Episcoporum populorumque confluentia ejus encæniam celebrante,* Hieron. in Chronico. In Antiochia Dominicum quod vocatur aureum, ædificari cœptum. *Et infra mox.* Antiochiæ Dominicum aureum dedicatur. *Glossar. Spelmann. pa.* 224.

*Cyrill* describing a Church of *Constantines* building in *Jerusalem*, cals it, (*Cat.* 14.) ἀργυρόηρεφετον καὶ χρυσοκόλλητον τὴν ἐκκλησίαν, a Church all adorned, and embossed with silver and gold.

*Eusebius* reporting of the spacious and beautifull Church of *Tyre*, which was built anew by the famous B. *P. Paulinus* says, the lustre and splendour was such, ὡς θαυμάσιον τοῖς ὁρῶσι παρέχειν τὴν θέαν, as made beholders amazed to behold it.

*ned* Selden *in his History. Now when Churches are built, and grants of lands, tithes, and oblations are freely given by great Kings, confirmed by severall Acts of Parliament, oftentimes renued and reiterated, as by the great Charter thirty times confirmed, and many other Statutes since, as also by the Text and body of the Common Law, which doth affirm Tithes to be due* Jure divino: *as is asserted by that ever honourable Judge and Oracle of Law, the Lord* Coke, *in the second part of his Reports,* Dismes sont choses spirituels, & due, de jure divino.

*L'Evesque de Winchester case, fol.45.*

*Being thus setled and confirmed, and thereby becomming fundamentall Laws of the Kingdome, they may, and ought to be enjoyed peaceably, without grudging, or repining, alienation or spoil, without casting an evill eye upon Gods allowance, and* because he hath given the floure of wheat to make bread for his Sanctuary: *whereof God himself giveth charge in the last vision of* Ezekiel, *contained in the last four chapters, where he appointeth a third part of the land to be set forth for his Temple, Priests, and servants, besides the portions for the Prince, and for the people; which vision for performance concerneth the Christian Church, and was never fulfilled in the Jewish State, as this Author and many others doe shew: and there God doth especially forbid alienation, selling or exchanging of his Temples portion, as being most holy unto the Lord,* Ezek.48.14.

Ezek.45.&c.

*It concerns us therefore that live in these times of the Christian Church, when we see the ancient prophesie fulfilled by Kings and Princes, in giving much to the Church, to preserve Gods portion entire without alienation, spoil, or violence. The Primitive times of the Church, as this Author sheweth,*ch. 6. *as had not been since the very Creation: times wherein God opened the windows of persecution, and raind*

*rained bloud upon his Church, as hee did water upon the world in the days of* Noah, *during the ten grievous persecutions in the first* 300. *years after Christ, so that no man must expect then to finde setled Lawes for Tithes, Lands, or maintenance of the Clergy, when the Emperors and Magistrates were Heathens persecuting the Church, and made many furious edicts for rasing and ruinating of Churches, which had been built by Christians in some times of intermission, as appears by* Eusebius, *when hee comes to the times of* Diocleſian. *Every good Christian, and almost every Clergy-man, lost his life for religion; no man did care or expect for preferment, maintenance, or dignity, save onely the crown of martyrdome, which many thousands did obtain:* The Church, *saith this Author,*
Cap.6. did all that while expose the dugs of her piety unto others, but did live her self on thistles and thorns, in great want oftentimes, necessity, and professed poverty. *Now those men that would reform all according to the pattern of the Primitive Church, and the Apostolicall times, do not consider, that the Clergy must be reduced again to the same condition of poverty, want, and misery, as formerly they were, if the pious and charitable gifts, and donations of Kings and Nobles, in the ages next succeeding the persecutions, should be taken away, and the ancient patrimony of Tithes abated, or subverted by the worldly and covetous practices of them that esteem gaine to be godlinesse. The kytes of Satan (as this Author tearmeth them) have already pulled away many a plume from the Church in severall ages, yet thanks be to God, there be some feathers left to keep her from shame and nakednesse, if the sacrilegious humour of the times prevail not against her. And there is the more reason to hope and expect that we may enjoy our portion and tithes quietly, because*

*cause we have so much lesse then the old Priests and* Levites *received from the people: for they had severall tithes and oblations for themselves, for the feasts and for the poor, wherein they did share in a far greater proportion then is now required by the Clergy of the Gospel.*

*The learned* Scaliger, Selden, *and many others do prove apparently by instance of particulars, that the Israelites did pay out of their increase of corn much more then a tenth, even almost a fifth part for severall tithes and duties then commanded to them. I will recite Mr* Seldens *example,* History ca.2. § 4.

| | | |
|---|---|---|
| | 6000 | *Bushels in one year.* |
| | 100 | *Bushels was the least that could be paid by the husband-man to the Priests for the first-fruits of the threshing floore.* |
| | 5900 | *Bushels remained to the husband-man, out of which he paid two tithes.* |
| | 590 | *Bushels were the first Tithe paid to the* Levites. |
| *The Husband-mā had growing,* | 59 | *Bushels the* Levites *paid the Priests, which was called the Tithe of the Tithes.* |
| | 5310 | *Bushels remained to the husband-man, out of which he paid his second Tithe.* |
| | 531 | *Bushels were the second Tithe.* |
| | 4779 | *Bushels remained to the husband-man, as his own, all being paid.* |
| | 1121 | *Bushels are the sum of both Tithes joyned together, which is above a sixt part of the whole, namely, nineteen out of an hundred.* |

*So that of sixe thousand bushels the* Levites *had in*

*all* 1063. *whole to themselves: the Priests* 159, *and the husband-man onely* 4779. *He yearly thus paid more then a sixt part of his increase, besides first-fruits, almost a fifth: many of no small name, grossely skip in reckoning these kindes of their Tithes, saith Mr.* Selden. *Observe how much (saith* Chrysostome, *speaking of the great maintenance of the* Levites) the *Jews* gave to their Priests and *Levites*, as tenths, first-fruits, then tenths again: then other tenths, and again, other thirtieths, and the sicle, and yet no man said, they eat, or had too much.

*In Epist. ad Philip. Tom. 4. Edit. Savil.*

*The* Rabbins *also reckon* 24. *gifts to the Priesthood, according as they are set down both by* Rabbi Bechai, *and* R. Chaskoni, *on* Numb. 18. *and so* Jarchi *on* Gen. 29.34. *and in* Talmud. *in the* Massech, Cholin. 133.f. 2. pag. *in this order: 1.* The twenty four gifts of the Priesthood were given to the Priests, twelve at *Jerusalem*, and twelve in the borders: the twelve that were given in *Jerusalem*, are these, the sin-offering, the trespasse-offering, the peace-offerings of the Congregation, the skins of the holy things, the shew-bread, the two loaves, the omer, or sheaf, the remainder of the meat-offerings, the residue of the log, or pinte of oyle for the Leper, the oblation of the thanksgiving, the oblation of the peace-offering, the oblation of the Ramme of the *Nazarite*. And these following are the twelve that were given in the borders: the great heave-offering, the heave-offering, or oblation of the tithe, the cake, the first-fruits, the first of the fleece, the shoulder, the two cheeks and the maw, the first-born of man, the first-born of the clean beast, the firstling of the Asse, the dedications or vows, the field of possession, the robbery of the stranger, *Lev.* 6. 5. *Numb.* 5. 7,8. These are the 24. gifts that belonged to the Priest-

Priesthood. *But among these, there is no mention of the first-born of any unclean beast, but onely the Asse, and no mention at all of the tithe of cattell. Thus a learned Author observeth out of the* Rabbins. M. Nettles, pag. 120.

*All these severall tithes, oblations and duties were paid, not deducting nor accounting their charges and labour of the husbandman; and yet they among their aphorismes both divine and morall, doe tell us, that as the* Masoreth *is the defence of the Law: so* מעשרות סיג לעשיר, Maighsheroth seag Laighsher, *that is, tithes paid are the defence of riches: so God promised,* Mal. 3. Bring ye all the tithes into the Store-house, that there may be meat in my house, and prove me herewith, saith the Lord of hosts, if I will not open you the windows of heaven, and pour you out a blessing, that there shall not be room enough to receive it.

*And one notes, that at this day, when they have no Temple, nor Priesthood:* Qui religiosiores sunt inter Judæos, loco decimarum, eleemosynam pendunt de omnibus lucris decem aureos de centum, centum de mille: *as Mr* Selden *observeth in his* Review, cap. 2.

*Yea, they paid not onely their tithes, but their first-fruits also, wherein they were so liberall in some ages, that even from the abundance of first-fruits paid by the owners to the Priests, there was not a Priest in the* 24. *courses of them, but might be accounted a very rich, or largely furnished man; as Mr* Selden *observeth out of* Philo: *and that they prevented the officers in demanding of them, paid them before they were due by Law, as if they had rather taken a benefit then given any; both sexes of their own most foreward readinesse in every first-fruit season, brought them in with such courtesie, and thanksgiving, as is beyond all expression; whereas in these times under the Gospel the Priesthood is*

*far more excellent then that of the Law, and the Clergy deserves infinitely more then the old Priests and* Levites: *whose employment is not to light candles, snuffe lamps, set bread upon the table, kindle fire, put incense at the Altar, to kill, slay, and hew beasts in pieces, but have incumbent* onus, *even* Angelis formidabile, *if men would rightly understand what they undergoe, or others value what these sustain. They have* ἀπολογίαν *of the souls of men, which is an office no temporall satisfaction can countervail: accountable to God for themselves and others. Their study, labors, after long and chargeable education, in reading, watching, preaching, praying, visiting the sick, are fully expressed by this learned Author,* cap. 14. *Yet the husband-man payeth now but one tenth to the Clergy, and no particular tithe for feasts, or to the poor, or other uses, as the* Israelites *did. But the Clergy now besides out of their smal receits, bear the burden of tenths and first-fruits to the value of thirty thousand pounds yearly, imposed on them lately, whereas tenths were not annually paid before the* 26 H.8. *(which Statute was repealed by* Q. Mary) *but at some times: but they were a Popish invention at the first, and onely of late years, though now continued yearly, and further charges imposed in taxes to the poor, and subsidies to the publique in a greater proportion then by the Laity; provision of arms also, though their tithes and dues are abated and cut short more then anciently, not onely by fraud and false payment, but also by unconscionable small rate-tithes and customes almost*

In E.p. Philip. Edit.

[r] *Decimæ Philippo Regi Francorum in oppugnationem Saladani Mahometani principis concessæ erant. Hujusmodi etiam obtinuit Rex Angliæ Richardus* 1. *ut testatur Matth. Paris. in Anno* 1189. *& ab exemplis istis posteri sæpe Reges.*

*Annatas, sive primitias, Bonifacius Papa beneficiis Ecclesiasticis primus imposuit, circa annum* 1400. *sunt tamen qui hoc inventum Iohanni* 22. *ascribant: hanc autem consuetudinem omnes admisere, præter Anglos, qui id de solis Episcopatibus concessere, in cæteris beneficiis non adeo.* Platina. *Hodie fisco penduntur non tantùm ex Episcopatibus, verùm etiam ex beneficiis quibuslibet Ecclesiasticis, annui valoris* 10. *marcarum, Vicariisque* 10. *lib. nec minores sane, quàm unius anni fructus integri, juxta tabulas Regias æstimandos.* Glossarium Spelm. in Annatis.

*most in every Parish: And also many great estates wholly discharged of tithes, as Cistercian lands, and those of the Templars and Hospitalers, (who had thirty thousand manours in Christendome, whereof a great part were in* England) *by the Popes pretended priviledges, and exemptions: though we abhorre and detest the Pope, yet for our profit we make use of his Buls and authority: all which losses and charges are not to be forgotten, though we submit under them patiently, as our Saviour Christ did to pay tribute, when it was not due,* Mat. 17.

*And this we yeeld unto further, though we have lost almost all the ancient priviledges and immunities, which were formerly granted to the Clergy: which were given, that they might be encouraged to attend their studies without distraction or avocation by secular troubles: The ancient Kings and Parliaments, allowing many freedomes from severall services, impositions, and taxes: as appears by many Laws and Charters, in the first Tome of our English Councels,* (*see the title* De libertatibus Ecclesiæ) *and by Lord* Coke *in the second of his Institutes upon* Magna Charta, pag 3, 4. *where he reckoneth up many priviledges, and how Ecclesiasticall persons ought to be quit and discharged of tols, and customes, as* avirage, pontage, paviage, *and the like, from distresses by Sheriffes, and many others: but as he there confesseth, they are now lost, or not enjoyed: though anciently they had more and greater liberties, then other of the Kings subjects; but now no men are more burdened with taxes, and impositions, that we are become in the sight of too many men,* as the filth of the world, and the off-scouring of all things; *as the Apostle complaineth,* 1 Cor. 3. *And whereas this Author sheweth,* ca. 3. *how the habitation of the Minister should be as becommeth students, and men of contemplative life, under their own*

*Tom. 1. Concil. Britan.*

*command and solitary. It now happens, that no mens habitation is more troubled with vexations and souldiers quartered upon them.*

*Besides the Priests and* Levites *had the ransomes of the first-born both of man and beast, great benefit by severall kinds of sacrifices, and head-money paid yearly, and many other perquisites*, and to what a sum (*saith* Philo) these might amount, may be guessed by the populousnesse of the Nation: *and further they had* 48. *Cities set out by* Joshua, *cap.* 21. *for their habitations, and two thousand cubites about them, (each cubit being a full yard) besides one thousand next the wals for their cattell: whereunto were added* 20. *cities more in processe of time, when the number of the Tribe was increased greatly, as this Author sheweth*, ca. 3. *And all this they had, though the Tribe of* Levi *was not near a tenth part of the people, which yet is an errour, that hath possest some great Names, (as M.* Selden *well observeth) they thinking there was such a proportion of the Tithes, and the receivers, and have rested therefore fairly satisfied in this, that the* Levites *being one of the* 12: *Tribes, had the tenths as a competent maintenance to themselves, being near the tenth, that is, being the twelfth part of the people, as if arithmetically the people and the revenues had been divided: but long since the sleightnesse and falshood of this fancy hath been discovered. And clearly had such a proportion of persons, and the name of tenth held; yet examine all that was paid to the Priests and* Levites *in first-fruits, and the severall prediall tenths onely, and it will be neer a fifth part, to omit the Cities and suburbs; but for proportion betwixt the tithes, wee have sufficient testimony in holy writ, that it was far otherwise, for they were onely about a threescore part of the people. And so* Bellarmine *sheweth*, Tom. 2. de clericis, cap. 25.——

Exod. 30. 13.

Numb. 35. 4, 5. No Tribe but the royal Tribe of *Juda* had so many Cities allowed to them: as *Jos.* 15. & 21

Num. 1. & 3.

Jam

Jam igitur addendo Levitas cæteris Hebræis, dividendo totum numerum per viginti duo millia, efficiuntur partes divisæ sexaginta. Ergo Levitæ non erant pars tertia decimæ, sed vix sexagesima totius populi. *It is to no purpose to look after any such thing, I rest in this* (*saith M.* Selden) *that it pleased the Almighty so to enrich that Tribe, which was reserved onely for the holy service in the Temple: why he did so, or with what proportion, let him for me examine, who dare put their prophane fancies to play with his holy text, and so most impudently and wickedly offer to square the one by the other.* Review, cap. 2.

A pitiful wonder it is to see learned men alledge such reasons: as Sir *James Sempil* saith, p. 23.

*Now because the* Israelites *were thus bountifull to their Priests and* Levites, *therefore the Christians in succeeding times, gave not onely many rich gifts and grants in lands, and severall oblations, but also for the continuall support and maintenance of the Clergy by tithes, they made Laws that every one should pay a ninth part, besides their tenths, that so they might be sure to pay more then a tenth, with an overplus rather then come short by any lesse quantity: and much to that purpose the learned* Grotius *sheweth,* De jure belli ac pacis, *li.* 1. *ca.* 1. § 17. Lex vetus de Sabbatho & altera de decimis, monstrant Christianos obligari, nec minus septima temporis parte ad cultum divinum, nec minus fructuum decima in alimenta eorum qui in sacris rebus occupantur, aut similes pios usus seponunt. *But this is more fully proved by the learned* Spelman *in his Glossary, where he alledgeth and explicateth severall Laws of divers Kings, which are too many to be here recited, but shall be produced in due time and place.*

*Concil. Valentin. Anno* 855. *Com.* 10. *Tom.* 3. *Concil.*

*Nonæ quas pii ex propensiori in Deum animo dabant, ultra decimas. Quod plurimis Ll. allatis probat & explicat. Glossar. Dni. Spelm.*

*Now if any motives will effectually encourage men to pay their dues with a liberall hand and eye, or deterre the hearts of worldly men from keeping back, prophaning or taking away that which hath been setled, given and granted by*

*Laws*

*Laws divine and humane, it must be the actions and examples of our Saviour Christ himself, who plainly discovered his zeal against sacriledge and prophaning of holy things and places, more then against any other sin. For when he began to execute his Propheticall office, and reproved all kind of sins among the people, yet he preceeded to punish not any save onely sacriledge, which is very remarkable. He refused to be Judge in dividing the inheritance between the two brethren, and he would give no sentence against the woman taken in adultery: but in case of sacriledge himself made the whip, himself punisheth the offenders, himself overthroweth the mony tables, and driveth out the prophaners out of the Temple, with their sheep and their oxen, not suffering the innocent doves to remain, though all these were for sacrifice, and but in the outward Court-yard of the* Gentiles: *such was his zeal as himself refused not to be the accuser, the Judge, and the executioner; and this not only once but twice, at the first in the beginning of his Ministery, recited by S.* John, c.2.14. *and at the last neer the conclusion thereof,* Mat. 21.11. Jesus quàm ad sacra emendanda bis conspicuo signo testatum hoc fecit, templum velut sacrorum sedem purgando circa initium, & circa clausulam sui muneris, ut in quo inceperat in eo se desinere ostenderet. *Grotius in Johan.2.14. And S.* Hierome *accounteth it to be one of the greatest miracles that ever Christ did. Many men doe account that the greatest miracle that ever Christ did, was the raising of* Lazarus *out of the grave, or the restoring*

In Mat.21.

Plerique arbitrantur maximum esse signorum, *quod Lazarus est suscitatus: quod cæcus ex utero lumen acceperit; quod ad Iordanem vox audita sit Patris; quod transfiguratus in monte, gloriam ostenderit triumphantis; mihi inter omnia signa, quæ fecit, hoc videtur mirabilius esse, quod unus homo, & illo tempore contemptibilis, & in tantum vilis, ut postea crucifigeretur, Scribis & Phariseis, contra se sævientibus, & videntibus, lucra se destruisse, potuerit ad unius flagelli verbera, tantam ejicere multitudinem, mensasque subvertere, & Cathedras confringere, & alia facere, quæ infinitus non fecisset exercitus, igneum ei quiddam atque sydereum radiabat ex oculis ejus, & divinitatis Majestas lucebat in facie.* Hieron.

of

*of sight to him that was born blind, that the voice of his Father was heard at* Jordan; *or that at his transfiguration in the Mount he shewed forth his glory: but I rather think, the greatest wonder that ever Christ did, was, that he being but one single man, and all that time in a contemptible condition, and so vile, that shortly after they crucified him, should be able with a whip to drive out of the Temple such a multitude of men, officers, buyers and sellers, and overthrow their tables, seats, and receipts, (the Scribes also beholding it, and seeing their own profit to be overthrown thereby) and doe such a strange thing, as a whole Army of men could not have done it at another time. But his principal end being to cleanse and purge his Temple and House of Prayer, from prophanation, sacriledge, and abuses, it plainly sheweth us, how odious a sin it is, to be guilty of the like abuses: and what punishment men must expect in his appointed time to follow upon the like offence, though now he doth forbear such miraculous proceedings in these latter days; when we are directed to search the Scriptures so plainly published to us, and to take admonition from former examples, which are recorded for our admonition upon whom the ends of the world are come.*

*Some are of opinion lately, that so the Clergy may have a competent maintenance, whether it be by stipend, or any way else, it is sufficient provision for them: and because divers have published their opinion this way, here shall be something in answer to them. These men make themselves wiser then God himself, for he required tithes and first-fruits in their kinde, not in money:* Decimas & primitias tuas non tardabis offerre, *Exod.* 22. 29. *he could have appointed some shekels of the Sanctuary to be paid to every Priest and* Levite, *for the maintenance of himself and his family, if that had been the best and most certain means.*

*But the uncertainty of stipends, collections, or payments in money is so great, as would in processe of time bring very great losses and inconveniences, both upon the people in payments, and upon the Clergy; for the change and variations of the standard for money is so great and uncertain in all ages, (as this learned Author sheweth in his Glossary* in voce, Esterlingus & Libra——) *that if an hundred pound according to these times, should be allowed for a stipend to a Minister yearly, it may be as much in value as* 300 l. *or* 400 l. *in the compasse of an hundred years following: as we finde evidently by the experience of the last hundred years past; and so likewise of every hundred years since the Conquest, and before it: which hath happened of late times by the discovery of the West-Indies, the trade and commerce thither, and the riches of their mines brought into* Europe, *all which may fail in the next age, or be otherwise diverted, and stopt, beyond the imagination or providence of any man. Further, by payment of tithes in kind out of all profits arising by Gods blessing on our labours, the Clergy doe partake with the people in times of plenty, or suffer with them in extremities, whereas by a certain stipend in mony, they would be far lesse sensible. Also the change and alteration of the fundamentall Laws of this Kingdome touching tithes, glebe, oblations, and other means, which have continued in force above a thousand years, and setled by the Common Law, will produce many mischiefs, especially to the Crown, in payment of tenths and first-fruits, subsidies, pensions, and other taxes, which amount yearly unto many thousand pounds to the Exchequer: all which must be abated and lost to the Crown; for no reason they should be paid when the means and maintenance shall be taken away, out of which they arise.*

*Besides*

*Besides the impossibility to provide a sure and setled means in every Parish to pay a certain stipend in money quarterly to the Minister, there can be no caution, provision, or security given or established for payment of money; for wee see by daily experience that all bonds, conveyances, and securities doe fail often, whatsoever the devise bee for secure payment. No way is comparable to Gods own way of giving yearly the tenth part in kinde, of every increasing commodity, and all lawfull profits, as they arise and grow due at severall seasons of the year. As for stipends and pensions, because they have been lately invented in some forain Churches, in times of war, great troubles and distractions; I will mention only one mischief, which is already published in print; and that is, that the best learned are oftentimes neglected, and put to hard shifts, as in the Low-Countries* John Drusius *lately a very painfull and learned man, well known for his singular works: He complains in an Epistle to* Joseph Scaliger *before his Commentary on the* Maccabees, *that hee was in want of things necessary; and elsewhere prayeth unto God to stir up the hearts of the great ones to help him: May heaven and earth take notice (saith one thereof) how miserable the condition of the learned is, when tithes the fixed honourary of the Priesthood by divine right, are usurped by the Laicks, and reward is measured not by true worth, or by the measure of the Sanctuary, which was full, running over and double to the common and prophane measures; but by the ignorant estimate of niggardly Mechanicks and their underagents. Many more such complaints might be easily alledged out of* Luther, Melancthon, Calvin, *and others, which I will now forbear: one great reason be-*

*ing, that their Churches for most part are still under great persecution, miserable wars, pitifully wasted, being never almost quietly composed, nor setled by Kings and Parliaments, as ours hath been; for the Emperour and many great Kings and Princes continue Papists, and great adversaries to Reformation: whereby* Germany, France, *and* Poland, *have most sharply suffered, and lost many thousand Churches and Ministers, since the the blazing Comet* 1618. *the people being relapsed and inforced to Popery for want of Ministers: which makes the reverend and learned* Deodatus, *Professor at* Geneva, *magnifie the Church of* England, *as the most eminent of all the reformed Churches in Christendome styling it*, Florentissima Anglia, Ocellus ille Ecclesiarum, peculium Christi singulare, perfugium afflictorum, imbellium Armamentarium, inopum promptuarium, spei melioris vexillum,——splendidæ Domini caulæ,—— *and much more he addeth, speaking of our condition before these troubles.*

*If any demand what success the labours of this worthy Knight found among the Gentlemen of* Norfolk, *and other places, where he lived long in very great esteem, and publiquely imployed always by his Prince and Countrey in all the principall offices of dignity and credit, it is very observable to alledge some particular testimonies worthy to be recorded to posterity, and with all honour to their names, who were perswaded presently upon the reading of his first little Treatise (and perhaps upon sight of the larger worke now published, more the like good effects may follow) to restore and render back unto God what was due to him.*

*And first the worthy Knight practised according to his own rule: for having an Impropriation in his estate, viz.* Middleton *in* Norfolk, *he took a course to dispose of it for the augmentation of the Vicarage, and also some addition to*

Cong-

Congham *a small Living neer to it: Himself never put up any part of the rent, but disposed of it by the assistance of a reverend Divine his neighbour M.* Thorowgood, *to whom he gave power to augment the Vicars portion, which hath been performed carefully: and having a surplusage in his hands he waits an opportunity to purchase the Appropriation of* Congham, *to be added to the Minister there, where himself is Lord and Patron.*

*Next S*r Ralph Hare *Knight, his ancient and worthy friend in that Country, upon reading of the first Book, offered to restore a good Parsonage, which onely he had in his estate, performing it presently, and procuring licence from the King, and also gave the perpetuall Advowson to Saint* Johns *Colledge in* Cambridge, *that his heirs might not afterwards revoke his grant: wherein he was a treble benefactor to the Church, and the Colledge hath deservedly honoured his memory with a Monument of thankfulnesse, in their Library, and also wrote a respective letter of acknowledgement to this excellent Knight, to whom they knew some part of the thanks to be due, for his pious advice and direction.*

*Sir* Roger Townsend *a religious & very learned Knight, of great estate in that County, restored three Impropriations to the Church, besides many singular expressions of great respect to the Clergy, having had a great part of his education together with S*r John Spelman, *(a Gentleman of incomparable worth) eldest son to S*r Henry, *and by his directions both attained great perfection and abilities.*

*The like I have understood of others in that Country, but cannot certainly relate their names & all particulars at this present, that Shire abounding with eminent Gentlemen of singular deserts, piety, and learning, besides other ornaments, as* Cambden *observeth of them.*

*In other parts divers have been moved with his reasons to make like restitution, whereof I will mention some: as Sir* William Dodington *Knight of* Hampshire, *a very religious Gentleman, restored no lesse then six Impropriations, out of his own estate, to the full value of six hundred pounds yearly and more.*

Richard Knightley *of* Northamptonshire *lately deceased, restored two Impropriations,* Fansley *and* Preston, *being a Gentleman much addicted to works of piety, charity, and advancement of learning, and shewing great respect to the Clergy.*

*The right honourable* Baptist *Lord* Hicks *Viscount* Campden, *besides many charitable works of great expence to Hospitals and Churches, as I find printed in a Catalogue of them in the Survay of* London, *restored and purchased many Impropriations.*

1. *He restored one in* Pembrokeshire *which cost* 460l.
2. *One in* Northumberland, *which cost* 760l.
3. *One in* Durham, *which cost* 366l.
4. *Another in* Dorsetshire, *which cost* 760l.

*He redeemed certain Chantry lands, which cost* 240l.

*And gave pensions to two Ministers, which cost* 80l.

*Besides Legacies to severall Ministers.*——

*The particulars are more fully recited in the Survay, to which I referre,* pag. 761.

*M.* Ellen Goulston *Relict of* Theodore Goulston *D. of Physick, a very learned man, being possessed of the Impropriate Parsonage of* Bardwell *in* Suffolk, *did first procure from the King leave to annexe the same to the Vicarage, and to make it presentative, and having formerly the donation of the Vicarage, she gave them both thus annexed freely to S.* Johns *Colledge in* Oxon: *expressing many godly reasons in a pious letter of her grant, to advance*

*vance the glory of God to her power, and give the world some testimony, that she had not been a fruitlesse observer of those who taught her that knowledge, without its fruit, and that love of Christ, without love to his Church was but an empty mask of an empty faith.*

*Thus with devout prayers for a blessing from God upon those which should be chosen Rectors there, she commended the deeds and conveyances of the Parsonage for ever to the Colledge. And this way doth justly seem the best manner of restitution, it being a double benefit to the Church both in providing carefully for the Parish, and selecting out of the Vniversities able and worthy Divines in due time and manner without any corruption, which the Colledges are carefull to avoid; and therefore that course was followed by Sir* Ralph Hare *already mentioned, by the prudent advise of Sir* Henry Spelman*: which course if it had been observed by them who lately were imployed in purchasing of Impropriations, they had freed themselves from sinister suspitions, by devesting themselves wholly of any profits reserved to their disposing, and might have much advanced the glory of God by diligent preaching, within the campasse of few years: and many would have been perswaded easily to become contributers and benefactors to their purpose.*

*Divers Colledges in* Oxon: *having been anciently possessed of Impropriations, have of late years taken a course to reserve a good portion of the tithe corn, from their tenents, thereby to increase the Vicars maintenance: so that the best learned Divines are willing to accept the Livings, and yet the Colledge is not diminished in rents, but loseth onely some part of their fine, when the tenants come to renne their Leases.*

*Certain Bishops also have done the like; as Dr* Morton, *whiles*

*whiles he was Bishop of* Lichfield *did abate a good part of his fine to encrease the portion of the Minister in the Vicarage of* Pitchley *in* Northamptonshire, *belonging to his Bishoprick: and so did his successor Dr* Wright, *for the Vicarage of* Torcester *also in the same shire: which was very piously done, considering what great Lands and Manours were taken away from that Bishoprick among others, and some Impropriations given in lieu of them.*

*Besides, this present Parliament hath taken singular care to augment the maintenance of many poor Vicarages, and other small Livings: wherein they have proceeded carefully, and have made many additions to severall poor benefices, for the better inabling of the incumbent Ministers to be faithfull and diligent in their callings.*

*And while Sir* Hen. Sp. *lived, there came some unto him almost every Terme at* London *to consult with him, how they might legally restore and dispose of their Impropriations to the benefit of the Church: to whom he gave advice, as he was best able, according to their particular cases and inquiries, and there wanted not others, that thanked him for his book, promising that they would never purchase any such appropriate Parsonages to augment their estates. Whereby it appears how effectually the consciences of many men were moved with his moderate and pious perswasions: and himself was much confirmed in his opinion of the right of Tithes, which moved him to consign his works of this argument, besides others, to my care, with direction to publish them, as is also expressed in his last Will and Testament.*

*Whereupon I hold my self obliged in conscience and duty to God, and to the memory of this excellent Knight, to whom I was infinitely obliged for his instructions, conferences, and favours, which I enjoyed in the course of my studies,*

*studies, many years frequenting his house and company: not to conceal these works any longer from the publique view, but to publish them to the benefit of the Church, and servants of God, now especially when prophanenesse hath so licentiously overflowed, and the covetous wretches and Mammonists of this world, have begun to withdraw and deny their Tithes, muttering that they are Popish and superstitious, and therfore to be rooted out, as their language is: wherein yet the Parliament hath honourably discovered their zeal and care by their censure and check upon the Petition against Tithes exhibited in* May 1646. *and by their Ordinance providing for the true payment of all tithes, rights, and dues to the Church, as more fully appears therein.*

*Wherein they have followed the moderne and ancient Lawes, as that expreßion of the Act of Parliament,* 27 Hen. 8. cap. 20. That whereas numbers of ill disposed persons, having no respect of their duty to Almighty God, but against right and good conscience did withhold their Tithes due to God, and holy Church: *as in that Statute is more at large expressed. So in the* 12. *Tables*, Sacrum sacrove commendatum qui dempserit rapseritve, parricida esto. *It being accounted sacriledge by all Laws to take away such things as have been formerly given to God: for so they were given expresly to God: as* Magna Charta *saith:* Concessimus Deo——*we have given to God, for us and our heirs, &c. So* Charles *the great:* We know that the goods of the Church are the sacred indowments of God. To the Lord our God we offer and dedicate whatsoever wee deliver to his Church. *Cap. Car. lib. 6. So* Tully *anciently*: Communi jure gentium

fancitum est ut ne mortales, quod Deorum immortalium cultui consecratum est usucapere possint. *So* Calvin, Sacrum Deo non sine insigni in eum injuria ad profanos usus applicatur. *Instit. li.* 3. *cap.*7. ℘ 1.

*Tithes therefore being consecrated unto God, ought carefully to be preserved in these days, in regard the Church enjoyeth not the tithe of the tenth, which formerly it had, and hath also to this day among the Papists, who doe not take away from the Church, but are ready to restore, as they have done in many Countries.*

Con-

# CONTENTS OF THE SEVERALL TREATISES AND CHAPTERS.

## The larger Book of Tithes containing these particulars following.

*The Introduction to it.*

12 That

§ 5. *In*

ERRATA

## *Errata, & addenda.*

IN the Introduction, pa. 1. oweth, *r.* onely.
Pag. 17. *quinto* r. *quinque.*
P. 18. Cities, *r.* Citizens.
P. 20. *Abraham*, r. *Abel.*
P. 67. *Tectum*, r. *totum.*
P. 68. *quæstorum*, r. *quæsitorum.*
P. 75. *cadus*, r. *arduus.*
P. 78. guests, *r.* gifts.
P. 82. *N. F. r. ut ff.*
P. 115. *petet*, r. *petet.*
P. 117. *Therumatus*, r. *Therumabs.*
P. 166. even christian, r. *emne christen.*

*Some places and quotations are defective in the originall, and could not easily be supplied, which the Reader may please to excuse, till further search can be made.*

*In the catalogue of Benefactors and Restorers of Impropriations, there is omitted among others,*

*The Right honourable Lo:* Scudamore, *Viscount* Slego, *who hath very piously restored much to some Vicarages in* Herefordshire: *whereof yet I cannot relate particulars fully.*

*Dr* Fell *the worthy Dean of Christ-Church in* Oxon: *(with the consent of the Prebendaries) hath for his short time; since he was Dean, been very carefull and pious in this kind, besides great reparations of the decayed and imperfect buildings, and other necessaries of the colledge: in renuing and granting Leases to the Tenants of Impropriations, he hath reserved a good increase of maintenance to the incumbent Ministers in divers places: and hath put things into a course for the like increase in other Vicarages, as Leases shall happen to be renewed. And much more might have been done, if King* Hen. 8. *had not taken away the goodly Lands provided for that colledge by* Wolsey, *giving Impropriations for them, by which exchange he was a great gainer.*

New *Colledge,* Magdalen *Coll:* and Queens *Coll: have done the like upon their Impropriations, and some others have made augmentations also, whereof the particulars shall appear hereafter, upon perfect information.*

*THE*

# The Introduction.

OD hath created all things for his glory; and must be glorified by them, all in generall, and by every of them in particular. The celebration of this his glory, he hath committed in heaven to the Angels, in Earth unto Man. Yea the devils declare his glory, and Hell it selfe roareth it forth. For this purpose he hath assigned unto man the circuit of the whole earth, to be the stage of this Action, and the place of his habitation, whilst it is in hand. He hath delivered unto him the wealth and furniture thereof, to be the materials for performing of it: and the meanes of his maintenance in the meane season. And lest he should want leisure, and opportunity sufficient for so great a busines, he hath commanded the heavens themselves, the Sunne, the Moone, the Starres, yea the whole frame of Nature, to attend upon him, to apply their sweet influence unto him: to assist him in all his indeavours, and to measure him out a large portion of time and life for the full accomplishing of this right noble most glorious Vocation.

Prov. 16. 4. for himselfe. Esay. 43. 7.

Wisd. 9. 2. Ecclus. 17. 2.

Deut. 4. 19.

Ecclus. 17. 2.

It is a rule in Philosophy, that *Beneficium requirit officium.* And we are taught by the law of nature, that he which receiveth a benefit oweth to his benefactor, Honour, Faith, and Service, according to the proportion of the benefit received. Vpon this rule was the ancient law not onely of England, but of other Nations also, grounded, that compelled every man that had Lands, or tenements of the gift of another to hold them of his Donor, and to doe him fealty

ty and service for them, (that is, to be faithfull unto him, and to yeeld him some kind of vassallage) though no such matter were once mentioned betweene them; Yea at this day, if the King give Lands to any man without expressing a tenure, the Donee shall not only hold them of him, but he shall hold them by the greatest and heaviest service, viz. Knights service *in Capite*. But God knowing the heart of man, and seeing that man was like those husbandmen in the Gospell, which having the possession of the Vineyard, forgot their Lord of whom they received it; he thought not fit in wisdome to leave the rights and services due unto him in respect of this his seignory and donation unto the mutable construction of Law and Reason: but hath expresly declared in his written word in what sort man shall enjoy and hold these his infinite benefits. Therefore since our owne reason hath taught us, that we owe no lesse unto our earthly benefactors then *Homage*, *Fealty*, & some honorary and *subsidiary rent* for the Lands and tenements we receive of them; much more effectually must the same reason teach us, that we owe a farre larger proportion of all these unto God, of whom besides our essence and creation we have received such innumerable blessings.

But as God is a Prince full of all royall munificence and bounty, so is he likewise of all abundance & riches: therefore he neither needeth nor requireth any thing of all that we possesse, as a subsidiary rent wherewith to enrich his coffers, or support his estate, but as an honourary tribute towards the magnifying of his goodnesse, and the expressing of our own thankfulnesse. This, to be short, is the sum of all religion. Therefore whilst *David* with admirable strains of divine meditations flieth through the contemplation of all the glorious works of God, and of our duty

to

to him in respect thereof, he breaketh out in every passage of his Psalmes with variety of acclamations and invitations to stirre us up to glorify God, not only inwardly by the spirit, but outwardly also, in, and by, and with all worldly things and meanes whatsoever. And not knowing how or where to containe himselfe in this his passion of most blessed zeale, he runneth at last, as he were wild with it, and closeth up his Psalter, with Psalme upon Psalme, six or seven together, one upon the neck of another, onely to quicken and inforce our sluggish disposition to a worke of so great consequence and necessity.

It almost carrieth me from my purpose; but to returne to my selfe, let us see in what way we must glorify God with these externall things that we have thus received from him, and that is, as before we have shewed, in the same steppes that the rules and maximes of his owne law have prescribed. viz.

First, that we shall doe unto him *Homage*, that is, true and faithfull service. For it is written; *Him onely shalt thou serve.* 1.

Secondly, that we shall be faithfull unto him, as becommeth true tenents, that is, not to adhere to his enemies, the world, the flesh, and the devill, as conspiring with them, or suffering them to subtract, or encroach upon any part of that, which belongeth to God our Lord paramount. 2.

Thirdly, that we shall pay duely unto him, all rights, and duties, that belong unto his Seignory: for it is written, *Give unto God that that is Gods.* And againe; *Give the Lord the honour due unto his name, &c. Psal.* 29. 1. 3.

For all which we must be accomptants at the great Audit: and there lies a speciall writ of *Præcipe* in that case; *Redde rationem villicationis tuæ*, Give an accompt how

thou haſt carried thy ſelfe in this thy buſineſſe, that is, this his ſervice committed to thee.

But omitting to handle the firſt and ſecond of theſe great Reſervations, I have undertaken the laſt, viz. *de reddendis Dei Deo*, of ren dring that unto God that is Gods. And in this I humbly beſeech his bleſſed hand to be with me, and guide me, for whoſe onely ſake and honour I have adventured to leave the ſhore I crept by in my former booke, and now as with full ſailes to launch forth into the deepe, upon ſo dangerous and uncertaine adventure. Amen.

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# Of Tithes.

## Cap. I.

### *What things be due unto God.*

THat that is to be rendred unto God for his honour, out of temporall things granted by him unto man, are by his word declared to be some particular portions of the same things.

The things granted unto man be of three sorts, *viz.*
First, the time measured out unto him for this life. 1.
Secondly, the place allotted to him for his habitation. 2.
Thirdly, the benefits and blessings assigned to him for his sustenance. 3. Out of every of these, God must have his honorary part, as by way of reservation and retribution, in right of his seignory. Let us then see what those parts are, and how they grow due unto him.

Touching the first, which is the Time of our life: he hath out thereof reserved to himselfe, the seaventh part; for it is written, *six dayes shalt thou labour, and doe all that thou hast to doe, but the seaventh day is the sabbath of the Lord thy God.* What other time soever we imploy privately and particularly in his worship, this must generally be performed, and kept both by our selves and our very cattle, for if *every creature groane with us, Rom.* 8. 22. it is also just, that they rejoyce with us sometime. But though God be much wronged in this kind, as well as in other his rights, yet since it is confessed of all parts to be due unto him, by the expresse Canon of his word, I will not medle with it any farther: only I desire that the abusing of it were severely punished, or at least in such sort as the Lawes have appointed. 1.

## CAP. II.

*The second kind of tribute that we are to render unto God, i. a portion of our Land.*

THe second thing that God hath given unto man is a place for his residence, and that is the earth in generall, and to every nation and family a part thereof in particular. *The earth hath he given to the children of men: Psal.* 115. 16. But as he reserved a portion of the time of our life for the celebration of his honour, so hath he also reserved a portion out of the place of our residence. For in *Ezek.* 45. he commandeth the children of Israel, and in them all the nations of the world, that when they come to inhabite the land he giveth them, they must divide it into three parts, one for the people, another for the King, but the first for God himselfe. God must have *Enetiam partem*, as the Lawyers terme it, the part of the eldest, or first borne; for the tribe of the *Levi* (that is, his Priests and Ministers) are called to be the first borne of his people.

Therefore he saith, *When ye shall divide the Land for inheritance, ye shall offer an oblation to the Lord, an holy portion of the Land. Ezek.* 45. And by and by he declareth how it shall be imployed, one part to the building of the house of God, and the other part for the Priests and Ministers to dwell on. And this is no Leviticall precept, but an institution of the Law of nature; and in performance of the duty that he was tyed unto by this Law, *Jacob* when he was poore, and had not wherewithall to build God an house, yet he sanctified a portion of ground, (when God had blessed him) to that purpose, by erecting a stone and pouring oyle on the head thereof, calling the place *Bethel*, that

that is, the house of God, and vowing to build it, when God should blesse and make him able to doe it : *Gen.* 28. 22. which as *Josephus* testifieth, *Antiq. lib.* 1. *cap.* 27. he afterwards performed. And as God commanded the whole Nation of the *Israelites* in generall, that in laying out the chiefe City, they should first assigne a place unto God for his Temple & Priests: So likewise he commanded every Tribe thereof in particular, that after they had their portion in the division of the Land, they should likewise out of the same assigne unto the Levites Cities to dwell in, with a circuite, or suburbs of a thousand cubits round about to keepe their cattell in. *Command the children of Israel that they give unto the Levites of the inheritance of their possessions Cities to dwell in : yee shall also give unto the Levites the suburbs of the Cities round about : so they shall have the Cities to dwell in, and the suburbs shall be for their cattell, and for their substance, and for their beasts : And the suburbs of the City, which ye shall give unto the Levites from the wall outward shall be a thousand cubits round about.* Numb. 35. 2, 3, 4.

In execution of this Commandement every Tribe of Israel allotted certaine Cities to the Levites, out of their portion, according to the quantity thereof : as appeareth, *Jos.* 21. 41. The whole Land of promise according as S^t. *Hierom* layeth it out in his Epistle to *Dardanus*, *Tom.* 3. 68. containeth in length from *Dan* to *Bersabe* scarce 160. miles, and in breadth from *Joppa* to *Bethlem* 46. miles. A small portion of ground for a Kingdome so famous ; and so small indeed, as S^t. *Hierom* there saith, that he is ashamed to tell the breadth of it, lest it should give occasion to the heathen to blaspheme, or deride it : yet out of this small territory ( not so much as the principality of Wales with the Marches ) fourty eight walled Cities ( more then are in all England, as I take it ) were assigned onely

onely for their Clergy to dwell upon: their maintenance, and revenues being otherwise provided generally through the whole Kingdome by Tithes, oblations, and other devotions of their brethren. So that it is apparent both by the Law of God, and Nature, that God must have one portion of our Lands to build him an house on, that is, his Churches, and another portion thereof for the habitation of his Levites, that is, his Ministers.

## CAP. III.

*That the portion of Land assigned to God must be sufficient for the habitation of the Minister.*

THough the portion of Land, thus to be rendred to God for his Ministers, be not certaine, yet is it thus farre determined, that it must be answerable to the necessity of the service, and to the number of the Levites; that is, there must be Churches sufficient for the congregations; and habitations sufficient for the Ministers and their families to dwell upon, with pasture convenient for their domesticall cattell. They must not be pulled from God with secular care, and therefore their maintenance is appointed to arise by other meanes then by tilling the Earth; but their habitation as befitteth students, and men of contemplative life must be under their owne command, and solitary. But what, should the portion of the fruites of the earth assigned them for their maintenance be certaine, as namely the tenth part; and not the portion of Land also allotted for their habitation? I answer, that as the people encrease, so also the fruite of the earth encreaseth with them, by their industry and labour; and therefore as the Levites encrease in number, so doe the rest of the Tribes; and by reason thereof there is a greater encrease of Tithe toward

toward the maintenance of the Levite: for the labour of ten men yeeldeth more profit then the labour of five. But when the Levites were inclosed within walls, and confined with immutable bounds, this circuite in reason could not alwaies be sufficient for them; And therefore being so increased as their Cities might not containe them, they must of necessity have new places of habitation provided for them. For in such cases God gave a generall rule to the people, *Deut.12.19. Beware that thou forsake not the Levite as long as thou livest in the Land.* And the people of the Jewes in this necessity did not forsake the Levites, for before the transmigration to *Babylon*, (which was about 840. yeares after) the Leviticall Cities (as appeareth, 1 *Chron. cap. 6.* and *cap. 9. 1.* were growne to be about sixty eight, *viz.* twenty more then were appointed by *Josua*. They might not enlarge the bounds prescribed to their Cities, but they might encrease the number of the Cities, as the number of the Levites encreased, and necessity required. The reason is, they might not adde house to house, and field to field, lest growing great in earthly possessions they should forget God, who had otherwise provided for them, then by manuring the earth; but if they wanted habitations, they might then seeke for new Cities, and the care of the people was to provide them for them. One Levite might not have more then sufficient for his habitation, but if the Cities appointed were not sufficient to yeeld an habitation for every Levite, then might they assigne new Cities to that purpose.

## CAP. IV.

### *That Christ released not the portion due to God out of our Lands.*

THe possession of Lands is *ex jure humano*, but the earth is the Lords *ex jure divino*. Therefore when he granted the earth to the children of men, and reserved a portion thereof for his service and Ministers, this part thus reserved is in him and his Ministers *ex jure divino*. In this right Christ calleth the Temple the house of God, and saith also, *My house shall be an house of prayer.* And St. *Paul* saith; *Despise ye the house of God?* So that, doubtlesse, God must have houses for his service in all places where we inhabite. But Christ had not *whereon to lay his head, Mat.* 8. 20. *Luke* 9. 18. therefore the Ministers must have no houses provided for them: for the disciple is not above his master. Christ indeed had not whereon to lay his head: for he came to his owne, and his owne received him not. But doth this prove that Ministers should neither have nests in the ayre like birds, nor holes in the ground like foxes? Did not he that made the Vineyard in the Gospell, build a tower in it for them that dressed it? So likewise must the Ministers that attend upon the Vineyard of the Church, have their habitations in it. St. *Paul* appointed it so, when he commandeth us to render a portion unto them, ἐν πᾶσι ἀγαθοῖς, *of all the good things, Gal.* 5. 6. How have they a part in all, if they want it, in the chiefest of all, that is, in our habitations? Againe he commandeth that they should be *Hospitales*, Goodhouskeepers; how should they be so, if they have no houses to keep? *John Baptist* lived in the wildernesse; it is true, and he was commended for it.

1 Cor. 11. 22.

Christ

Christ did not so, though he frequented the fields, yet in that he gave no Commandement that his disciples should follow him; for he appointed them to remaine in other mens houses. What? that they should goe sojourne where they listed? The Commandement hath nothing to the contrary; but the meaning is thereby apparent, they must have habitations provided for them, or else, *shake off the dust of your feet against them*, *Mat.*10.14. as much as to say, *let* them be accursed. So then our Saviour hath not repealed the Law of providing for the Levites, unto his Ministers: He could not give them Cities to possesse, for his kingdome was not of this world. But he appointed them to such places, as themselves should choose among the children of the Gospell. Doeth this differ from the Commandement of providing Cities for the Levites? Doubtles, no: for as the Logitians say, *Conveniunt in eodem tertio.* They agree in this, that the Ministers must have habitations provided for them, as well in the Gospell, as the Levites had under the Law. Oh, but they must have no inheritance among their brethren, *for the Lord is their portion. Numb.*18.24. It is true, the Lord hath communicated with them his owne portion, *viz.* his tithes and his offerings, as he did with the Levites; therefore as the Levites had no share in the division of the Land, so our Ministers must have no share with us in tilling the Land, & matters of husbandry, for they are called from secular cares to spirituall contemplation; but after the Israelites had their shares in the Land they yeelded portions to the Levites for their convenient residence, and so must wee for our Ministers. And so still the conclusion is, they must be provided for. Which, to shut up the matter, is invincibly ratified by our Saviour himselfe, who in sending forth

his disciples would not suffer them to take the least implements of sustenance with them, because he would put them absolutely upon the care and charge of the congregation, alledging a Maxime of the morall Law for warranty thereof, that *the labourer is worthy of his hire.* Mat. 10.10. *And therefore into whose house soever yow enter, stay there.* Mat. 10.11.

## CAP. V.

*What part in reason, and by direction of Nature might seeme fittest for God.*

It being agreed that some part by the Law of Nature is due unto God out of all the time of our life, and the goods that we possesse, it is now to be examined how far this Law of nature or reason may lead us to the discovery of that part or portion. For which purpose we must for a while lay aside Canonicall Divinity, I mean the Scriptures, and suppose our selves to live in the ages before the Law was given, that is, in the time of nature. And then let us propose this question to the Sages of that world, and see what answer we are like to receive from them. And first touching this question, What portion of our time or goods were fittest for God.

It is like they would have considered the matter in this manner. That God hath not any need either of our time, or goods, and that therefore he requireth them not *in tanto*, that is, to have so much, and no lesse. But on our parts it is our duty to yeeld unto him as much *in quanto* as we can conveniently forbeare over and besides our necessary maintenance. So that as *Bracton* saith of *Hyde*, that tenants are to yeeld unto their Lords, it must be *honorarium Domino*, and not *grave tenenti*, so much as the

the Lord may be honoured by it, and the tenant not oppressed; wherein if a second, third, or fourth part be too much, so a twentieth or thirtieth seem also too little. As God therefore desireth but an honourary part, not a pressory: so reason should direct us to give him that part, wherein his own nature with the respects aforesaid is most properly expressed; for the maxime, or axiome which our Saviour alledged, *Date Deo quæ Dei sunt*, give unto God the things that are Gods, is grounded on the Morall law originally; and therefore examining among numbers which of them are most proper, and resembling the nature of God, we shall finde that *seven* and *ten* above all other perform this mystery, and that therefore they are most especially to be chosen thereunto; therefore God in the Creation of the world following the light of nature, chused the seventh part of the age thereof, as *Philo Judæus* in his Book *De fabricatione mundi, pag.* 36. hath with singular and profound observations declared.

And because it may be demanded hereupon, why he should not by the same reason have the seventh part of our goods also; I answer, that as touching the time of our life, he giveth that unto us of his own bounty, meerly without any industry on our part: so that whether we sleep, or wake, labour, or play, the allowance thereof that he maketh unto us, runneth on of its own accord; and therefore we owe him the greater retribution out thereof, as having it without labour or charge. But as for the fruits of the earth we have them partly by our own labour, though chiefly by his bounty; and therefore he therein requireth his part, as it were with deduction or allowance of our charges, seeking another number befitting the same.

The first place in Scripture wherein a Priest is mentioned is *Gen.*14. 18. where *Melchisedek* is said to be *the Priest of the most high God*; there also are tithes spoken of, and paid unto him, *v.* 20. *Abraham gave him tithes of all.*

The first place also, where an House of God, or Church, is spoken of, is *Gen.* 28. 18, *&* 22. there also are tithes mentioned and vowed unto God, even by that very name whereby Parish Churches upon their first Institution in the Primitive Church were also styled, that is, by the name of *Tituli*, *Gen.*28.22. *Lapis iste quem posui in titulum erit Domus Dei, & omne quod dederis mihi decimas prorsus dabo tibi*; wherein it seemeth the Primitive Church at that time followed the translation then in use: for *Damasus* in the life of *Euaristus* Bishop of *Rome*, *Anno* 112. saith, *Hic titulos in urbe Roma divisit Presbyteris*, *Tom. Concil.* 1. *pag.* 106. And speaking after of *Dionysius*, who lived *Anno* 260. he saith, —*Presbyteris Ecclesias divisit, & cœmeteria, Parochiasque & Diœceses constituit. Tom. Concil.* 1. *pag.* 206. Thus Church and Tithe went together in their first Institution.

Edit.1606.

If there be no mention after of Tithes in the Scripture till the time of *Moses*, that is no reason to exclude them, for so also is there not of any House of God, or Priest: yet no man will deny, but both are necessary, and therefore let them also say, whether they be *ex Jure divino*; I mean Churches and Priests before the Law and Gospel.

CAP.

## CAP. VI.

*Concerning the Revenue and maintenance of the Church in her infancy, first in Christs time, then in the Apostles, by a communion of all things, and submitting all to the Apostles; as in the Churches of* Jerusalem, Alexandria, Rome, *and* Africa. *How the Clergy had their allowance given them, weekly, or monethly,* per sportulas, *in baskets.* De jure sportularum, *concerning those baskets and the manner of them. When Lands were first given. The Church goods distributed by the Bishops and Officers under them. The liberality of* Constantine *and other Emperors. The piety and charity of the Clergy in spending their goods and means.*

WHilest the Church was in her foundation, shee had no other maintenance, then the poor private purse of our Saviour, supported onely by the almes and contribution of his poor Disciples and followers; for as himself had no house to live in, so had he no rents to live on: being therefore often in want, he was constrained sometimes to use the power of his Godhead to supply the necessities of his Manhood, and to call the fish of the sea to aid him with money miraculously, *Mat.*17.27. while the beasts of the Land withheld their devotion from him unnaturally; but whatsoever it was that his Godhead blessed his Manhood withall, he divided it, as appeareth in the Gospel of Saint *John*, 13. 29. into two parts; one for the sustenance of his family, the other for relief of the poor. Touching the part assigned to his family, it was not curious, nor superfluous, no not at the great feast of *Easter*, when others were so sumptuous, and profuse, his rule Joh.12.6.

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was then, to buy the things they had need of. And touching the provision of his house at other times, we have twice an Inventory taken of it, once in *Matth.* 14. 17. where it was found to be but five loaves and two fishes; yea, barly loaves: another time, *Mat.* 15. 34. but seven loaves and a few little fishes, for himself and his whole houshold; twelve Apostles in ordinary, besides some servants, and a multitude of Disciples hanging upon him extraordinarily. All the beasts of the forest were his, and so were the cattell upon a thousand hils, yet read we not that he once killed so much as a Calfe, for the provision of his family: for flesh could not be had but for money, and money going always low with him, he used such kinde of victuals especially, as might always be supplyed unto him by the industry of his Disciples from the common storehouse of nature, the sea, without being beholding or burdensome to any man.

Mar.6.38. Luk.9.13. Joh.6.9.

In this frugality lived our Saviour touching his houshold expence, that there might be the greater remanet for the poor: and from this modell of the Church in his poor family, was the great frame of the Universall Church first devised, as well for raising, as disposing of her Revenues; the means of raising them, from the oblations and devotion of the people: the manner of employment of them, for the necessity onely of the Minister and poor. Thus much doth *Augustine* also declare upon the place alledged out of Saint *John, Tractat.* 62. *Habebat Dominus loculos, &c.* Our Lord had his treasury or bagge, wherein he kept the things that were offered by the faithfull, and did distribute them to his family and such other as had need: then first was the form of Church government instituted.

Dist.12.9.1. *Habebat.*

The Apostles following our Saviour exactly, would not

not be rich ſervants of a poor maſter, nor owners of any thing, when their Lord himſelf poſſeſſed nothing: holding it therefore not fit for them, *aut in imis conſiſtere, ſed nec in mediis*, they reached at the higheſt garland of perfection: and becauſe their maſter had ſaid, *Let him that will be perfect, ſell all that he hath, and give to the poor*; whatſoever was their own, and whatſoever was given them by others, they caſt it all into the common treaſury, diſpoſing it by their maſters example to two uſes onely, Hoſpitality and Alms, or works of charity; in their hoſpitality they provided for the whole family of the Church then living with them at *Jeruſalem*, (out of which aroſe the great buſineſſe of ſerving the Tables, ſpoken of in the *Acts*) all of them jointly caring for every man in particular, and every man particularly applying himſelf to ſupport the generall. Their alms and part aſſigned to them in neceſſity, they diſperſed fully and faithfully, not onely to the poor of their own Town, City, or Countrey, but wherefoever through the world the members of Chriſt had need.

And ſo carefull they were in employing theſe things to the higheſt benefit and honour of the church, that *Paul* chuſed rather to live in want, and earn his ſuſtenance with his fingers, then to diminiſh this bleſſed portion, by taking his due ſhare out of it. Yea, the only thing that the Apoſtles gave ſo preciſely in charge one unto the other, was in every paſſage, *that they ſhould remember the poor*, *Gal.* 2. 10. *Act.* 11. 36. 2 *Cor.* 9. 3. as the bowels of Chriſt, the darlings of the Church, and thoſe whom God eſpecially had choſen to be rich in faith, and heirs of the kingdome, *Jam.* 2. 5.

With this mortar (I mean this bleſſed theologicall work of charity, which S. *Paul* ſo highly extolleth above

all other) did our Saviour lay the first stones in the foundation of his Church, and with it (to hold uniformity) did the Apostles build the second course, commending the pattern to be for ever after pursued throughout all ages: for whatsoever is built without it, is like stones laid without mortar, which cannot therefore couple together, and grow into an holy Temple in the Lord, as is required, *Eph.* 2. 21.

In the succeeding Church founded by Saint *Mark*, (the Disciple of Saint *Peter*) at *Alexandria* in *Egypt*, the same rule (used before by the Apostles at *Jerusalem*) was so precisely established, that he thereby drew all Christians to follow his example; insomuch that *Philo Judæus*, a famous Author of that time, reporteth that not onely there, but in many other Provinces the Christians lived together in societies, and he calleth even then their habitations μοναστήρια, Monasteries: saying, that none among them possessed any thing to his private use; no man was rich, no man poor, but all divided their substance to them in necessity; disposing themselves wholly to Prayer, singing of Psalms, to matter of doctrine, and to temperance.

*Hieron. in vita Marci.*

ἐγκρατεία i.e. *temperantia, continentia, modestia.*

Come lower down. *Dionysius Corinthius* in an Epistle to *Soter* Bishop of *Rome*, in the year of Christ, 170. congratulateth with him, that the Church of *Rome* still continued her ancient use in disperfing her goods in works of charity. *It is now growne to be an ancient custome with you, to bestow many benefits upon all the brethren of the Church, and to send maintenance to the Churches in every City: so that thereby you doe not onely relieve the necessity of the poor, but of the brethren also which are condemned to the slavery of the metall Mynes, and by this benevolence of yours, which now you have used to send into all places, even from the*

*the first Plantation of your Church, your selves being* Romans, *have diligently preserved the* Romans *custome instituted by the Fathers; which also your Bishop, the blessed* Soter, *hath hitherto kept very diligently; and by his laborious industry wonderfully advanced: not onely in distributing lovingly unto the Saints the goods ordained to their maintenance: but like a mercifull and milde father towards his children, in exhorting the brethren (which come unto him) to vertue by blessed and devout perswasions.* I report this place at large, for that this use continued exactly in the Church, as *Eusebius* reciting it affirmeth, till the great persecution under *Maximinian*, and *Diocleſian*, which began about the year of our Lord, 304.) being the age wherein *Eusebius* himself lived, as he there also testifieth, *lib.4. cap.22.*

And that it was not thus in *Rome* onely, but in *Africa* and other Churches, it appeareth plainly by *Tertullian in Apologet. cap.39.* where upbraiding the *Gentiles* with the piety and devotion of Christians, he saith, *Etiam si quid arcæ genus est, &c.* whatsoever we have in the treasury of our Churches is not raised by taxation, as though we put men to ransome their Religion, but every man that will, once a moneth, or when it pleaseth himself, bestoweth what he thinks good, and not without he listeth; for no man is compelled, but left freely to his own discretion. That which is given, is accounted as *Depositum pietatis*, the pledge of devotion; for it is not bestowed in banqueting, quaffing, or gluttony, but in nourishing and burying the poor, and upon children destitute both of parents and maintenance, aged and feeble persons, men wracked by sea, and such as are damned to the metall mines, banished into Islands, or cast into prison, professing the true God, and the Christian faith.

I might thus passe over the first 300. years of the Church, but I desire to make it more apparent how the Clergy of those times lived as well for conversation, as for maintenance. The times (to tell the truth) were such as had not been from the very creation: Times wherein God opened the windows of persecution, and rained bloud upon his Church, as he did water upon the world in the days of *Noah*; and as in the planting of the Law, he scourged the enemies of his people with ten famous plagues, so now in the founding of the Gospel he tried his children with ten grievous persecutions; by reason whereof the Clergy then aspired so generally to the crown of martyrdome, that they prepared their bodies to this sacrifice by the austerest rules of conversation that they could devise, contemning all worldly pleasure, all curiosity of meat, drinke, apparel, sustenance and necessities, wasting their flesh with abstinence, fasting, thin cloathing, going sometimes barefoot, denying all things to every sense, that it particularly delighted in, applying themselves wholly to Prayer and Preaching, to support and enlarge the Gospel; and to be short, to doe the work of Gods Vineyard faithfully in all things and laboriously, as appeareth abundantly in *Eusebius*, *Nicephorus*, *Socrates*, *Ruffinus*, and other ancient Ecclesiasticall Authors. These are they of whom the world was not worthy, these gained every man his ten talents, and sit now in the first seats of heaven, next unto the throne of the Lamb.

Touching their maintenance, the means thereof arise chiefly (as appeareth by *Tertullian*, *Origen*, *Cyprian*, and others) out of the oblations of the people, benevolences, first-fruits, tithes, &c. which being continually offered at the Altar, or brought into the treasury of the Church,

Church, were one while employed in common to the diet and necessities of the brethren and Clergy, but at length distributed by portions, first, weekly, as it seemeth by a decree of *Pius* the first, Bishop of *Rome*, in the year of our Lord, 158. after monthly, as appeareth by an Epistle of *Cyprian ad clerum, lib.*4. *Epist.*5. to every Priest particularly. The manner how this was performed, appeareth not sufficiently in the Authors of those times; but I will recite the places in their own obscurities; first, touching that assigned to *Pius*, *Tom. Con.* 1. *pag.* 125. *In vita Pii. Col.* 6. *Vt de oblationibus quæ offeruntur à populo, & consecrationibus quæ supersunt, vel de panibus, quos deferunt fideles ad ecclesiam, vel certè de suis: Presbyter convenienter partes incisas habeat in vase nitido, & convenienti, ut post missarum solennia, qui communicare non fuerunt parati, Eulogias omni die Dominico, & in diebus festis exinde accipiant, quæ cum benedictione prius faciat.* Ex codice quinto librorum, lib.2.c.117.

And *Cyprian* in the place above cited, *p.* 126. *Cæterum Presbyterii honorem designasse nos illis jam sciatis, ut et sportulis iisdem cum Presbtyeris honorentur, & divisiones mensuræ æqualis quantitatibus partiantur:* whereby it appeareth that the Priests at this time (which was about the year 240.) had every man his allowance delivered monthly *per sportulas*; that is, by baskets, whereupon they were called *fratres sportulantes*, basket-brethren, or brethren that lived on the basket; and it may be that some understanding the words, as we now use them for an alms basket, could be contented that the Ministers lived in like manner at this day. To deliver therefore that sacred and most honourable profession from such base imputation, I hold it necessary to say something of this *jus sportularum*.

*Sportula*, is sometimes used generally for every basket, sometimes particularly for a Market basket, or panyer, and because the use among the *Romans* was to cast their Market money into this basket, therefore that very mony, and the Market meat it self also was called *sportula*.

Besides it is taken for a vessell, a place, a portion, or provision of victuals.

So *Sportula Salutatoria*, or *Salutantium*, was a basket, or messe of meat that the great men of *Rome* by way of congratulation doe give to the Cities which came to visit them. *Martial. lib.* 1. *Ep. ad Flaccum.*

*Dat Bajana mihi quadrantes sportula centum,*
*Inter delicias quid facit ista fames?*

And these great men had at the entry of their houses a place of purpose for keeping this kind of provision, to bestow on their friends; which place was thereupon also called *sportula*, which *Iuvenal* seemeth to aim at under the name of *limen primum*, *Satyr.* 1. ----*Sportula primo*

*Limine parva sedet, turba rapienda togata.*

But expresly in his third *Satyr.*

*Nonne vides quanto celebratur sportula fumo?*

*Sportula publica*, was a like distribution made upon some notable occasion by the Senate and Emperors of *Rome*, to the people in lieu of the solemn feastings formerly bestowed on them: which allowances being afterwards too niggardly abridged, *Domitian* (as *Suetonius* in his life, *cap.* 7. reporteth) *sportulas publicas sustulit, revocata cœnarum rectarum consuetudine*, which *Martial* also remembreth in an Epigram to *Domitian l.* 8.

*Grandia pollicitus quanto majora dedisti?*
*Promissa est nobis sportula, Recta data est.*

*Sportula nuptialis*, signified the wedding feast or provision;

vision; *Cælius Rhodiginus Antiq. lect. l. 28. c. 24. apud Apuleium sportulas legimus nuptiales, quippe (inquit) ita placuerat, insuburbana villa potius ut conjungeremur, ne cives denuò ad sportulam convolarent.*

*Sportula convivalis* is described also by *Cælius, lib. 27. cap. 24. Eranon (inquit est) quod pluribus differtum occumbentibus sit; sed ita ut ferat sibi unusquisque quod edat, quod etiam* ἀπὸ ἀπανέσεως, *dicebatur, id est, sportula. Sportula opipara,* I may tearm that which is mentioned by *Tully* in his Epistles, *Famil. lib. 9. Ep. 20. Dediscendæ tibi sunt sportellæ & artologani*, where some interpret *sportellæ*, for those meats, *quæ secundis mensis numerantur*, dishes of the second course, and greatest dainties.

So that *sportula presbyteria* was no base thing, but an honourable congiary, or portion of victuals distributed to the Clergy, whether by the basket, as the word signifieth, or *in vase nitido*, as *Pius* appointed it; And thus much doth the very place alledged out of *Cyprian* intreat, where he saith, *sportulis idem cum presbyteris honorentur.*

What this *sportula* contained I cannot declare, but *Alexand. ab Alexand. Genial. dier. lib. 5. cap. 24.* speaking of the *Roman sportula publica* saith, *In qua frequens obsonium panis, oleum, & porcina caro dari solita est, absq; vino*; and *Domitius* in his Comment. on the first *Satyr.* of *Iuvenal*, much more fully, *ex sportula omnia sibi coemebant, quæ & ad victum & ad cultum pertinerent.* So that, *sportula presbyteria*, seemeth to be then a *Cornu copiæ*, that ministred unto the Clergy all things they had need of, as well for cloathing, and other necessaries, as for sustenance. For no doubt the people of God did at this time, not onely according to the precept of the Apostle, make the Ministers of the Word partakers of all

all their goods; but as *Abraham* did also to *Melchisedek* present unto them, τὰ ἀκροθίνια, the very top and chiefest part thereof, following *Abraham* in offering the fat, and abhorring to give the carrion things unto God, like the sacrifice of *Cain*.

And that it may be no disgrace to the honourable Ministers of the Church to live thus, *ex sportula*, let me note by the way that the Kings and Princes of the world are likewise said to live *ex sportula*; for their Exchequer or Treasury hath thereupon the name of *Fiscus*: which word as appeareth by *Ascanius*, is all one with *sportula*. *Fisci, fiscinæ, fiscellæ* (saith he) *sportea sunt utensilia ad majoris summæ pecunias capiendas, unde quia major summa est pecuniæ publicæ quàm privatæ, factum est ut fiscus pro pecunia publica & inde confiscare dicatur*; a little before he saith, *Sportæ, sportulæ, sportellæ, munerum sunt receptacula*; And let me also remember that in the Easterne Empire, the Master of the Store-house and Wardrobe, as well Palatine, as Ecclesiastical, was called, ὁ κανσεῖνος, and μαγιστρειανὸς ὁ κανσεῖνος, that is, a *Canistro*, vel *Sportula*.

*Strigelius in leg. lib. 2. pag. 307.*

*Codin. p. 5. Suidas.*

Touching Lands, though the Churches at this time had little, yet were they not altogether without any, as appeareth partly by that which *Eusebius* reporteth of *Paulus Samosatenus*, that under *Aurelian* the Emperour (*i. e.* about the yeare 274.) he wrongfully invaded an house belonging to the Church of *Antioch*. But more amply by the edict of *Licinius*, and *Constantine*, where it is expresly commanded that all Lands and places which belonged to the Christians, as well for their publique use, as in their private possession, that had been taken from them in the persecution of *Diocletian*, should be restored to them. *Platina* saith, that *Vrbane* Bishop of *Rome*,

*Apud Euseb. l. 10. ca. 5.*

*Rome, anno* 227. first instituted, that the Church might receive Lands and possessions offered by the faithfull, and then sheweth to what end she might enjoy them, namely, that the Revenues thereof should be distributed by portions to every man, and that no man should have them to his particular benefit. *Vrbane* himself in the Decretall Epistle attributed unto him, affirmeth this usage to be more ancient, saying also, that the Bishops within their Diocese, and other faithfull persons (appointed by them) both did and ought to distribute these Revenues in manner before mentioned; adding further that they were called the oblations of the faithfull, for that they were offered unto God, and that they ought not to be otherwise employed then to Ecclesiasticall uses, the relief of Christian brethren, living together in common, and of the poor people; for that they are the vows of the faithfull, the price of sin, the patrimony of the poor, and delivered over unto the Lord for the performance of this work. Many account this Epistle Apocryphall, I will therefore strengthen it with the opinion of *Origen* a Father of those times, who in his 16. Homily upon *Genesis*, disputeth it to be utterly unlawfull for the Ministers of the Gospel to possesse any Lands, (to their own use, for so I understand him) confessing himself not to be faultlesse herein; and therefore exhorting others to joyn with him in Reformation thereof, he saith, *Festinemus transire à sacerdotibus Pharaonis*, let us make haste to depart from the Priests of *Pharaoh*, who enjoy earthly possessions, to the Priests of the Lord, who have no portion in earth, for that the Lord is their portion, *fol.* 26. *col.* 3. And to shew to what end the Chnrch enjoyeth her goods, and in what manner they ought to be divided amongst her

Ministers and poor children, in his 31. Homily upon *Matthew* he saith —*Opus habemus ut fideles simus pariter & prudentes ad dispensandos ecclesiæ reditus, &c.* It behoveth us to be faithfull in disposing the rents of the Church. *Faithfull*, that we our selves devour not those things which belong unto the widows, and that we be mindfull of the poor; and because it is written, *The Lord hath appointed that they which preach the Gospel, should live of the Gospel*; that we therefore take not occasion to seek more for our selves then our simple diet, and necessary apparell: retaining a greater portion to our selves then that we give to the brethren that are hungry and thirsty, and naked, and which suffer necessity in secular affairs. *Discreet*: as to minister to every man his portion, according to his rank and dignity; remembring that which is said, *Blessed is he which considereth the poor and needy, Psal.* 41. for it is not sufficient for us, simply to give away the goods of the Church; so to keep our selves clear from devouring or stealing of them, but we must wisely consider every mans necessity; how he falleth into it, what his dignity is, how he came by it, how much he needeth, and for what cause he needeth it. We must not therefore deal alike with them which were pincht, and hardly brought up in their infancy, and with them who being nourished delicately and plentifully are now fallen into necessity. Neither must we minister the same things to men and to women, nor like quantity to old men, and young men; nor to sickly young men that are not able to earn their living, and those w^ch have som what of their own to maintain themselves withall. It must also be considered whether they have many children; and whether those children be idle, or industrious; and how far forth they are insufficient

1 Cor. 9. 14.

to

to provide for themselves: to bee short, there is great wisdome required in him that would well dispose the Revenues of the Church, and that by being a faithfull and discreet disposer hee may become an happy man. Thus far *Origen*; to which purpose *Cyprian* also in his Epistle to *Eucratius, lib.* 1. *Epist.* 10. sheweth that the Church maintained many poor, and that her own diet was *frugalioribus & innocentibus cibis*, sparing and plain, and all her expence, *sumptibus parcioribus quidem sed salutaribus*, full of frugality, but sufficient for health.

The persons by whom this distribution of Church goods was made, were chiefly the Bishops (as appeareth by the former Epistle of *Vrbane*) and Deacons appointed under them as in the times of the Apostles, *Acts 6.* Therefore *Origen* in his 16. Homily upon *Matthew, fol.* 31. *col.*4. taxing the unfaithfull Deacons saith, *Diaconi autem, &c.* But the Deacons which govern not well the tables of the Ecclesiasticall money, (that is, the goods and Revenues of the Church) but doe always purloin them, not distributing that which they give according unto judgement; and so become rich by that which belongeth unto the poor; they are the Exchangers whose Tables Christ will overthrow. For the Apostles in their Acts teach us, that the Deacons are Governours of the Tables of Ecclesiasticall moneys, (or Revenues) &c. and again after, --*unusquisque diaconorum.* Every one of the Deacons which gather wealth to themselves by defrauding the poor, let them now so understand this Scripture, that they gather no more, lest the Lord commeth upon them, and overthrow the Tables of their distribution.

Thus much touching the use of Church goods in the first age of the Church, or first 300. yeers of Christ:

whereby it plainly appeareth, that no Ecclesiasticall person enjoyed any thing belonging to the Church to his own benefit; but that the Church-men had out of the Revenues and goods of the Church, so much onely as sufficed for their necessary maintenance in meat, drink, cloth, and such like: the surplusage being faithfully employed to the relief of the poor, the needy, the widows, persons banished for Religion, or imprisoned, Captives, and Christians any way distressed. So that the Church exposing all this while the dugs of her piety unto others, did live her self on thistles, and thorns, that is, in want, necessity, and professed poverty.

When the flood of persecution had prevailed as many years against the Church in the time of the Gospel, as that of waters did days against the wicked in the time of *Noah*; and that *Constantine* like the Dove of the Ark had brought the olive branch of peace unto the people of God: the Church then began to smell the sweet savour of rest, and changing presently her disposition with her fortune, changed also the very policy of her government: before in poverty, now in riches; before a servant, now a Mistresse; before a Captive, now a Conquerour. For the noble *Constantine* being miraculously converted to the faith, did not onely free her from persecution, but setled her also in the very bosome of peace, raised her to honours, endowed her with possessions, established her with immunities; and to be short, poured upon her the fulnesse of his regall munificence. Insomuch, that many prudent Fathers foreseeing then another evill likely to proceed from hence; as namely, that her plenty might make her wanton, and forgetfull of her duty, began now to dispute whether it were lawfull for her to accept lands and Temporalties, or not:

Some

Some alledged that the examples of our Saviour and his Apostles bound them to contemn the world, and to live in a strict and Stoick kind of poverty. Others conceived that course to be but temporall, and like a medicinall diet prescribed by Physitians to their patients in sicknesse onely, not in health: affirming the time to be now come, when it pleased God to crown the long-suffering of his Church, with the blessings promised in the tenth of *Mark*, *v.*29. 31. *That since they had forsaken house, and brethren, and sisters, and father, and mother, and wife, and children, and lands for Christs sake and the Gospel; they should receive an hundred fold now at this present, with their persecutions, and in the world to come eternall life.* I will not argue this point, but letting passe the School-men, will rest my self upon the determination of many ancient Councels, Fathers, and Doctors of the Church, who with one consent conclude affirmatively, that the Church may hold them.

And I think their opinion to be of God, for that it hath prevailed these 1500. years against all the enemies thereof, though the Kytes of Satan have pulled many a plume from it.

To return to *Constantine*; though he and others by his example did abundantly enrich the Church, yet did not the Church-men take these riches to the benefit of themselves, and their families, but employed them as before to workes of charity. Yea, *Silvester* himselfe, though the sea of these things flowed into his bosome, and were at his pleasure, yet took he as sparingly of them, as if he had been but a little pitcher, suffering the whole streams thereof to run abundantly amongst the children of the church, and poor people, as did also the other Fathers, Priests, and Clergy of that time, who

reckoned not otherwise of riches then as dung, which being spread and scattered in the fields of God, might make them the more fertile. For the resolution then was (as in the age before) that no Church-man might take Lands to his private use, nor the Church her self otherwise then for works of charity, and the necessary sustenance of her Ministers, not to make stocks or portions for them in earth, whose inheritance was in heaven, and that had God himself for their portion. Therefore *Prosper* a godly Father of that time, whose authority is often used in the Councel of *Aquisgrane*, disputing the point, concludeth it thus; If every Minister of the Church have not a Living, the Church doth not provide one for him in this world, but helpeth him with things necessary, that he may receive the reward of his labour in the world to come, resting in this life upon the promise of our Saviour. To which purpose he applieth the place in the 1 *Cor.* 9. 14. What is it to live of the Gospel, but that the labourer should receive his necessaries from the place wherein he laboureth? And a little before him, *Hierome* also in his Book *De vita Monach. Cler. instituenda*-- saith, If I be the Lords part and the lot of his inheritance, not having a part amongst the rest of the Tribes; but as a Levite and Priest doe live of tithes, and serving at the Altar, am sustained by the offerings of the Altar: having victuals and cloathing, I will be contented herewith, and being otherwise naked, will follow the naked crosse. So in his Book *De Co. virginitatis*, having reproved the curiosity of some Clerks of that time, he saith also, *Habentes victum & vestitum his contenti sumus*: for as *Ambrose* saith upon *Esay* 1. *Tom.* 2. *In officio clericatus lucrum non pecuniarum, sed acquiritur animarum.* In the function of a Clergy-

*Lib. 2. de vita Contemplativa.*

*Epist. ad Nepotianum.*

Clegy-man the gain of mony is not to be ſought, but the gain of ſouls.

All theſe are but particular opinions of ſome Weſtern Fathers: hear now therefore the determination of the Eaſtern church aſſembled in the Councell of *Antioch*, *Anno* 340. *cap.* 25. *Epiſcopus Eccleſiaſticarum rerum habeat poteſtatem, ad diſpenſandum erga omnes qui indigent, cum ſumma reverentia, & timore Dei; participet autem & ipſe, quibus indiget, tam in ſuis, quàm in fratrum qui ab eo ſuſcipiuntur, neceſſariis uſibus, profuturis, ita ut in nullo qualibet occaſione fraudentur, juxta ſanctum Apoſtolum ſic dicentem, Habentes victum & tegumentum his contenti ſumus. Quòd ſi contentus iſtis minime fuerit, convertat autem res eccleſiæ in ſuos uſus domeſticos, & ejus commoda vel agrorum fructus, non cum Presbyterorum conſcientia, diaconorumque pertractet, ſed horum poteſtatem domeſticis ſuis, aut propinquis, aut fratribus, filiiſque committat, ut per hujuſmodi perſonas occultè cæteræ lædantur eccleſiæ, Synodo provinciæ pœnas iſte perſolvat. Si autem & aliter accuſetur Epiſcopus, aut Presbyteri, qui cum ipſo ſunt, quòd ea quæ pertinent ad eccleſiam, vel ex agris, vel ex alia qualibet Eccleſiaſtica facultate ſibimet uſurpent, ita ut ex hoc affligantur quidem pauperes, criminationi verò, & blaſphemiis tam ſermo prædicationis, quàm hi qui diſpenſant, taliter exponantur, & hos oportet corrigi, ſancta Synodo, id quod condecet, approbante.*

*Proſper* proceedeth further, and will not ſuffer that a Miniſter able to live of himſelf ſhould participate any thing of Church goods. *Nec illi qui ſua poſſidentes, &c.* For ſaith he, *They which have of their own, and yet deſire to have ſomewhat given them of that whereon the poor ſhould live, doe not receive it without great ſinne. The holy Ghoſt ſpeaking of Clerks (or Clergy-men) ſaith*, They eat the

the sins of my people. *But as they which have nothing of their own, receive the food they have need of, and not the sins: so they which have of their own receive not the food (which they abound with) but the sins of other men.*

Therefore though the Councell of *Antioch*, *An.* 340. *Can.*25. ordained that the Bishops might distribute the Church goods, yet would it not suffer them to take any portion thereof to the use of themselves, or of the Priests and brethren that lived with them, unlesse necessity did justly require it, using the words of the Apostle, 1 *Tim.*6.8. *habentes victum & tegumentum his contenti sumus*; having food and raiment let us be therewith contented. And decreed further, that if the Bishops should not be satisfied, but did employ any goods of the Church, to their kindred, brethren, or children, they should answer it at the next Synod. So likewise touching Priests, as the words subsequent imply: and as *Achilles Statius* expoundeth it, *pag.* 14. for the Priests at that time had nothing but by the assignment of the Bishops: and if the Bishops themselves might take no more then onely for their necessity, we may easily judge what the inferiour Clergy might doe.

But *Gregory* looking upon 2 *Thess.* 3. 7, 8. where it is said, *You ought to follow us, we take no bread of any man for nought; and that he which will not work, should not eat*: applieth these to the Clergy, and concludeth that though such kind of Ministers have never so much need, yet they must not participate the food of their function or Church Revenues; for saith he, *Pensemus cujus damnationis sit, &c.* let us think with our selves how great damnation it is to receive the reward of labour without labour. Behold, we (the Clergy) live of the oblations of the faithfull; but what? doe we labour to get the goods

goods and cattell of the faithfull? doe we take those things for our wages which the faithfull have offered for the redemption of their sins; and doe we not earnestly labour as we ought to doe, against those sins, by industry of prayer and preaching?

For the next Ages of the church, what the Authour intended further will bee supplied by himselfe in the 20. chap. following, collecting out of divers Councels severall canons touching tithes: but for our owne church of *England* he doth abundantly expresse himself in his first *Tome* of our English Councels; out of which see the collections here following, *cap.* 27. and much also may be observed out of Mr *Selden* in his History, *c.6.* where he sheweth when Tithes began to be commanded by Laws and Synods, and withall giveth the reason out of *Agobardus* a very learned Bishop of *Lions* (as he truly saith of him) why Councels did not at first make canons touching Tithes and gifts to the church: which *Agobardus* speaketh touching generall Councels; but Provinciall Councels did frequently command them, as will appear by the collections following here, *cap.*20. *Agobardus* words are considerable, in his Book *De dispensatione contra sacrilegos*, p.176. *Jam verò de donandis rebus & ordinandis ecclesiis, nihil unquam in Synodis constitutum est, nihil à sanctis patribus publicè prædicatum: nulla enim compulit necessitas, fervente ubique religiosa devotione, & amore illustrandi ecclesias ultro æstuante, &c.*

Note.

Concerning giving of goods, and endowing of churches, nothing hath ever been decreed in Councels, nothing publickly promulgated by the holy Fathers, for no necessity required it, the religious devotion, and love of beautifying the churches every where

 aboun-

abounding of their owne accord. At first religious
Acts 4.34,35. christians sold all their lands, goods, houses, and possessions, laying down the money at the Apostles feet, *Acts* 2.45. and long after the Apostles time devotion and zeal in this kind was so fervent, that there was no need of laws, but when this zeal began to waxe cold in the next Ages following, then laws and canons were made more carefully for Tithes and maintenance.

Many Kings and Princes also were so pious and carefull, that the full tenth should be paid, that they made severall lawes to pay a ninth part, that so they might bee sure to pay more rather then lesse then a tenth: *Ex propensiori in Deum animo ultra decimas, nonas dabant pii:* As this Authour proveth by very many laws alledged in his learned Glossary, which shall be produced in due place and time: and *cap.* 11. here following prudently observeth: How many things in the beginning both of the Law and Gospel, were admitted, and omitted for the present, and reformed afterward: for when the Law was given, the wheels thereof could not presently fall into their course; and so likewise in the New Testament, the Apostles themselves are compelled to many necessities, and to suffer many things which were reformed afterwards.

To which discourse I leave the Reader, who may thence receive satisfaction, why laws and canons for Tithes and maintenance were not made in the first Ages so exactly and carefully as afterwards they were enacted both by Temporall and Ecclesiasticall powers.

But as others also observe for succeeding times; Churches and Tithes were both miserably overthrown and lost in most of these Western parts of the Empire, by the Invasion of the barbarous people, *Hunnes*, *Goths*, and *Vandals*,

*Vandals*, upon the Christian world, who first invading *Italy* under the Emperour *Justinian*, did miserably spoil and harrow the Countrey, persecuted the Clergy, pulled down Churches, robbed Bishops, and Colledges, overthrew schools of learning, and committed all sorts of wickednesse: and afterwards they set their face against *France*, where to oppose them *Charles Martell* would not encounter, unlesse the inferiour Clergy would yeeld up their Tithes into his hands to pay his Armies and Soldiers: for which sacriledge hee is infamous in the publick Histories to this day, especially because he did not restore the Tithes to the Clergy, according to his solemn promise, after God had blessed him with good successe, killing many thousands in one great battail. This fact of *Martell* was done about the year 660. Chr. and no redresse of it till the Councel of *Lateran*, neer five hundred years after, *Anno* 1189. under *Alexander* the third; and this was the first violence that ever Tithes suffered in the Christian world, after they left the Land of *Jewry* and came to inhabite among Christians. But by that foot of *Charles Martell* it appears, that the Clergy in his time did hold and receive Tithes, and doubtlesse by vertue of laws and canons made in former times, (witnesse the Councell of *Mascon*, *Anno* 586.) and not so late as about the year 800. which some doe pretend. For that Councell of *Mascon*, *Can.*5. doth affirm, and take them as due by authority and laws of ancient times, and also by the Word of God, and that they were paid by the whole multitude of Christians. So the words of the Canon are expresly. *Leges divinæ consulentes sacerdotibus ac ministris ecclesiarum pro hæreditaria portione omni populo præceperunt decimas fructuum suorum, —quas leges Christianorum*

*congeries longis temporibus custodivit intemeratas.*

Here is no small testimony as well of ancient practice in paying of them, as of great opinion, for their being due; saith M. *Selden, ca.* 5. § 5. and so *Spelman, ca.*18. *infra.*

So also the phrase used in the fourth Councell of *Arles. Vt Ecclesiæ antiquitus constitutæ nec decimis, nec ulla possessione priventur*; and other Provincials of that time, and Laws of *Charlemain* agree with it, saith Mr *Selden*; and those phrases must needs refer back to ancient times. So *Boniface* an Englishman, Bishop of *Ments*, in an Epistle to *Cuthbert* Archbishop of *Canterbury* (*Spelman Concil. p.*241.) speaketh of some negligent and unworthy Ministers that did receive Tithes and profits, but did not carefully perform their duties: wherby it appears that Tithes were then paid, though some unworthy men received them. And though the originall right be due to God himself, yet because hee hath assigned over his right to the Priests in the old Law, and now to the Ministers of the Gospel, therefore they are to be paid to the Priest or Minister; for hee is the Steward of Gods house, and in this point no man must respect what condition he is of: for the debt is due to his Master, not to himself; so that whether he be good or bad, what condition soever he be of, hee standeth or falleth to his own Master, as *Spelman* sheweth, *Cap.*14.

CAP.

## CAP. VII.

*That the service of the* Levites *was clear altered from the first institution, yet they enjoyed their Tithes.*

THere be two sorts of *Leviticall* service: the first instituted by *Moses* about the Tabernacle, *Num.* 1. The second by *David* about the Temple. In the first the *Levites* were appointed over the Tabernacle and the instruments thereof to bear it, to take it downe, and set it up, *Num.*50.51. to serve *Aaron* and his sons, and to do the service of the Tabernacle, and keep the instruments thereof, *Numb.*3.6,7,8.

The *Levites* that belonged to this service in generall were 8580. men, between the age of 30. and 50. years, and the chiefest occasion of their service was upon the removing of the host: for better ordering whereof, it was divided amongst them into three parts.

The 1. to the *Kohathites*, Numb.3.

The 2. to the *Gershomites*.

The 3. to the *Merarites*.

First, the *Kohathites* were 2750. men, and their office was about the Sanctuary, *Numb.* 4. 36. or Holiest of all, *Num.*4.4. under the government of *Eleazar* the Priest, *Numb.*3.32. to bear the Ark of the testimony, and all the instruments of the Sanctuary. The covering vail, (which divided the Sanctuary and the Holiest of all) the Table of shew-bread, the dishes, the incense, the incense-cups, the goblets, and coverings to cover it with, and the bread that shall be thereon continually, *v.* 7. the Candlestick, with the Lamps, Snuffers, Snuffe-dishes, and the oyl Vessels thereunto belonging, *v.* 9. the golden Altar for incense, *v.*11. and the instruments where-

1.

Num.4.

with they minister in the Sanctuary, *v.* 12. The Altar (of burnt-offering) with the instruments thereof which they occupy about it, *viz.* the censers, the flesh-hooks, and the basons, (even) all the instruments of the Altar, *v.* 14. But these being the holiest things, were to bee taken down and trussed up by the Priests, some of them in blew silk, some in scarlet, some in purple cloth, all in badgers skins, and the barres and carriages to be put to them by the Priests, as is prescribed, *Numb.* 4. and then the *Cohathites* came and bare them away, but touch them they might not lest they die, *v.* 15. nor see them when they were folded up, *v.* 20. and *Aaron* was to appoint what part every man should bear, *v.* 19.

2. The *Gershomites* were 2630. men, *Num.* 4. 40. under the hand of *Ithamar* the Priest, the other sonne of *Aaron.* Their office was to bear the curtains of the Tabernacle, and the Tabernacle of the congregation, his covering and the covering of badgers skins, that is on high upon it, and the vail of the door of the Tabernacle of the Congregation, *v.* 25. the curtain also of the Court which is neer the Tabernacle and neer the Altar round about, with their cords and all the instruments for their service, and all that is made for them, *v.* 26. *Aaron* to appoint every man his charge, *v.* 27. and watch, *v.* 28.

3. The *Merarites* were 3200. men, *v.* 44. under *Ithamar* also, and they had in charge the boards of the Tabernacle with the barres thereof, and his pillars, and his sockets, *v.* 31. And the pillars round about the Court, with their sockets, and their pins, and their cords with all their instruments, even for all their service, to be reckoned by name (or Inventory) and the instruments of their office and charge, *v.* 32. *Exod.* 4. and *Exod. ca.* 3.

Exod. 26. 15.

This was the office and charge of the *Levites* as they were

were ſimply *Levites*, and not Prieſts alſo: and for their ſervice in this kind, were they judged worthy of the Tithes of all *Iſrael*. But when *Solomon* had builded the Temple and there ſetled the Ark, the Altars, and all the holy implements, this buſineſſe of theirs was meerly at an end: for thoſe holy things were now no more to be carried up and down. *David* therefore foreſeeing it, tranſpoſed the *Levites* to new offices; before they were *Levites* of the Tabernacle; now he maketh ſome of them *Levites* of the Temple, and other Provinciall *Levites*: according to which is the ſpeech that *Joſiah* uſeth to the *Levites*: *Put the holy Ark in the houſe which* Solomon *the ſon of* David *King of* Iſrael *did build*; it ſhall be no more a burden upon your ſhoulders; ſerve now the Lord your God, and his people *Iſrael*, 2 *Chron.* 35.3.

§ 1. *Of the* Levites *of the Temple.*

The *Levites* of the Temple were thoſe that ſerved about the Temple, and were (as I ſay) inſtituted by *David*, but inducted by *Solomon*. *Davids* bloudy hands might not build the Temple of peace, 1 *Chron.* 22. 8. he prepared the treaſure and ſtuffe for the building, the men and the manner for the order of the ſervice, (*ib. v.* 14. *c. ſeq.*) but *Solomon* performed the work. The *Levites* of the Temple were of two ſorts, one *Levites* and Prieſts, the other *Levites* onely: In the function of the Prieſts, he changed little ſave the place of their ſervice, not the manner; before they ſerved in the Sanctuary of the Tabernacle, now he removeth them to the Sanctuary of the Temple.

But to avoid confuſion (becauſe the poſterity of *Aaron* was by this time (that is, in 600. years) exceedingly multiplyed) he divided the Prieſts into 24. ranks or courſes, according to the names of their families, as you may

may read, 1 *Chron.* 24. 7. appointing them their turns and times of attendance, which as it seemeth, 2 *Chron.* 23.8. (and as * *Josephus* explaineth it) was from one sabbath to another, therefore the Greek translation calleth these turns or courses, ἐφημερίας & ἐφημερίδας, which *Theophylact* saith is, *hebdomia*, a week: Hereupon *Zacharias* is said to be of the rank or course of *Abiah* (which was the 8. rank) and to execute the Priests office, and burn incense as his turn came, *Luke* 1.

* *Præcepit eis ut unaquæque generatio ministraret Deo per dies octo, à Sabbatho usque ad Sabbathum. Joseph. Antiq. l. 7. cap. 15. p. 389.*

The other *Levites* of the Temple; that is, those that were simply *Levites* and not Priests; namely, such as descended not of the line of *Aaron*, he divided into 3. parts: one to be singers; another to be porters, and take the charge of the gates of the Temple; the third to be keepers of the Treasury.

The singers to be divided as the Priests, into 24. ranks or courses; The porters into 5. parts, one part to every of the 4. gates of the Temple, and the fifth to *Assuppim*, *i. e.* the Councell-house.

Their Treasury was generally committed to one as the chief, but under him, to 2. sorts of other officers, one to keep the Treasures of the house of the Lord, (that is, that were given to the maintenance of the Temple) *v.* 22. and the other to keep the dedicate things, *v.* 26 & 28. But I finde that the Treasury was divided into 3. parts: one called *Mesark*, wherein were laid up *donaria principum*, the gifts of Kings and Princes; the second *Corban*, in which were *donaria sacerdotum*, the offerings of the Priests; and the third *Gazophylacium*, *pro donariis transeuntium*, for the offerings of the people in generall, into which it seemeth the poor widow cast her mite. * *Josephus* saith that with this office of the Treasury, as the most eminent, *David* honoured the offspring of *Moses*.

* *Eos verò qui erant de germine Mosis, eminentiùs honoravit; fecit eos autē custodes thesaurorum Dei, atque vasorum quæ reges Deo dicare contigerit.* Antiq. l. 7. c. 15. pag. 390.

§ 2. *Of*

§ 2. *Of the Provinciall* Levites.

The Provinciall *Levites* are those whom he severed from the Temple, and placed abroad in the Country to be rulers over the people, both in matters pertaining to God, and the affairs of the King, that is, spiritually and temporally; some to be Judges, some to be other Officers in the Common-wealth: 1700. of them he set on the West-side of *Jordan*, and 2700. on the East-side, chief Fathers, and all worthy men, *Chron.* 26. 30. & 32. *Josephus* counteth the *Levites* of this kinde with their Scribes, as he calleth them, to be 6000. whereby it appeareth that the sect of the Scribes belonged to the Judges.

*Iudices autem populi & scribas eorum* 6000. Antiq. l. 7. c. 15. p. 389.

Thus *David* made a new form of the service of the *Levites*, far differing from the first: yet the Tithes appointed to the first, remained over to the second sort: and those that medled not with the Temple and holy things, namely, the Provinciall *Levites*, had their part in the Tithe as well as the Templar *Levites*; and therefore as the alteration of the service, whereto they were first ordained, took not away the wages allotted to them: so the second alteration of their service, namely, this of the Gospel, ought not to take from the *Levites* thereof, our Ministers, the Tithe before paid to the two former kind of *Levites*; I mean them of the Tabernacle, and of the Temple. The Templar *Levites* were delivered from bearing the burden of the Tabernacle, and yet had the Tithes; therefore the *Levites* of the Gospel must have their Tithes, though they be delivered from bearing the burden of the Law, and ceremonies thereof.

Though this distinction of Templar and Provinciall *Levites* may seem new to some men, yet it is plain- Note.

ly grounded upon the Text, and is very materiall to be obſerved for many purpoſes. At firſt whiles the number of the *Levites* and Prieſts was not very great, they all attended at the Tabernacle at *Shilo*, firſt, or elſewhere: But when the Temple was built by *Solomon*, and that Tribe greatly encreaſed, they attended by courſes, (which was before deſigned by *David*, 1 *Chron.*23, *&c.*) and then it fell out but one week in an half yeer to each to attend at the Temple: for the Prieſts being divided into 24. courſes, and ſo likewiſe the *Levites* into 24. no courſe could come oftner about, then once in 24. months, or a week in every half year, which indeed was their uſage, as *Joſephus* ſheweth; and ſo *Scaliger* and *Salianus*, with other accurate Chronologers.

Now the whole Tribe being ſo mightily encreaſed in *Davids* time, as that there were 38 thouſand *Levites* beſides the Prieſts, 1 *Chron.* 23. 3. *Magnus ſanè numerus pro iſto populo, ut facilè intelligas multos ornatui magis ſerviiſſe quàm neceſſitati:* as *Grotius* there ſaith.

Therefore God employed them for many uſes more then to attend at the Temple: ſome were deſigned for other employments in the Common-wealth, and they applied other ſtudies, as being the chief men for nobility and dignity, and alſo for learning and knowledge in that Common-wealth.

*Cum pingue haberent otium, non tantum omnia legis, ſed & medicinæ, aliarumque artium diligentes ediſcebant, ut & Ægyptii ſacerdotes, ideoque primis ſeculis, ex illis, ut eruditioribus Senatus 70. virûm legi maxime ſolebat.* Grotius in Deut. 17.

There was no other Academy or School then in the whole world, but at the Temple among them, where the

the knowledge of Gods law, or learning in any kinde could bee gained: The administration of law and justice throughout the kingdome depended on them principally; *for God made his covenant with* Levi *of life and peace. The law of truth was in his mouth. The Priests lips should preserve knowledge, and they should seek the law at his mouth:* Mal. 2. 5, 6, 7. and so *Ezek.* 44. 23. *They shall teach my people the difference between the holy and prophane, and cause them to discern between the unclean and the clean: and in controversie they shall stand in judgment, & they shal judg according to my judgements: and they shall keep my laws, and my statutes in all mine assemblies:* they being the principall Judges and Lawyers in that Common-wealth of Gods own constitution. And whereas it is now granted on all hands, that there was 3. Courts of Justice in that kingdome; 1. the great Councel of 70. Elders; 2. the Court of Judgement consisting of 23. 3. the Court of three, or some few more: the Priests and *Levites* were principall men, both Judges and Officers in all Courts, *Scophtim & Schoterim*, as 1 *Chron.* 23. 4. both to give sentence and judgement, and also to execute the same: so the Divines doe affirm also in their late Annotations, upon 1 *Chron.* 26. 29, 30. and 2 *Chron.* 19. 8. 11. They did study the Judiciall and Politique laws, and had power to see the law of God, and injunctions of the King to be observed, and to order divine and humane affairs. And they held also other honourable offices: for we read that *Zechariah* a *Levite* was a wise Counsellor. And *Benaiah* a Priest, son of *Jehoiada*, was one of *Davids* twelve Captains, being the third Captain of the Host for the third month: and in his course consisting of 2400. was his son *Amizabad*: *Benaiah* was also one of *Davids* principal Worthies, having the name among

1 Chron. 26. 14

1 Chron. 27. 5.

1 Chron. 11. 22

the three Mighties. He was also Captain of the guard to *David*, and after the death of *Joab*, hee was made Lord Generall of the Host, by King *Solomon*, in *Joabs* room, 1 *Kings* 2.35.

And because some have doubted whether they were imployed in the administration of justice, it is more clearly of late evinced then formerly hath been: for besides *Sigonius, Bertram, Casaubon, Moulin,* and divers others, the learned *Hugo Grotius*, in his Annotations upon *Matthew, cap.*5.21. hath very accurately proved it out of the Text, *Josephus, & Philo*, and other monuments of the *Jews* (whose testimonies at large I cannot now recite) that there was no distinction, nor division of the Courts of Justice, the one Ecclesiasticall, the other Civill, but the Courts were united, and the Priests and *Levites*, the principall Judges and officers in every Court, to whom the people were to be obedient upon pain of death, *Deut.*17.12. they being appointed to *hear every cause between bloud and bloud, between plea and plea, and between stroke and stroke, being matters of controversie within thy gates*; and as our Lawyers call them, Pleas of the Crown, and Common pleas, or whatsoever else did arise among them. The Provinciall *Levites* were especially appointed to the Courts of Justice, and also the Templar *Levites*, when they had performed their courses, (and went home to their own houses) being but one week in half a year, were at very good leisure to assist the people in every Tribe, where their Cities were allotted to them, in governing, ruling, and directing in all matters pertaining to God and the King, 1 *Chron.* 26. 30. 32. for which purpose God did scatter them in every Tribe, and turned the curse of *Jacob* into a singular blessing, *to be divided in* Jacob, *and scattered in* Israel,

Gen.49.7.

rael, appointing 1700. to be on the west-side *Jordan*, and 2700. on the East-side.

The ancient frame of our Common-wealth, for 500. years before the Conquest, was thus disposed and governed, as this learned Authour sheweth fully in his Glossary and Councels; and happy had it been if things had so continued still: but now the law being otherwise setled, and the Courts divided, it is not safe, or easie to make alteration.

*Comes præsidebat foro Comitatus, non solus, sed adjunctus Episcopo; hic ut jus divinum, ille ut humanum diceret; alterque alteri auxilio esset & consilio: præsertim Episcopus Comiti, nam in hunc illi animadvertere sæpe licuit & errantem cohibere: idem igitur utrique territorium, & jurisdictionis terminus:* Glossar. Spelman.

The Bishop and Earl of the County were joynt Magistrates in every Shire, and did assist each other in all causes and Courts; and so Mr *Selden* in his History, *cap.* 14. § 1. By this means there was great union and harmony between all Judges and Officers, whereas there is now great contention for jurisdiction, and intolerable clashing in all Courts, by injunctions, prohibitions, consultations, and crosse orders to the great vexation of the clients and subjects.

The division of Courts seems to have proceeded first from Pope *Nicholas* 1. as is mentioned in *Gratian*, *Can. cum ad verum* 95. *dist.* about 200. years before the Conquest, which was imitated here by *William* the Conquerour, whose statute is recited and illustrated by *Spelman* in his Glossary and Councels, and lately also published by Lord *Cook*, *lib.*4. *Institutes*, *cap.*52. But the further proof hereof will require more then this place, or occasion will bear: onely thus much was necessary to be

mentioned and asserted in regard of explication and reference to many passages in this book, and also other parts of his works, which perhaps are not obvious, or well observed by every common Reader. *Vide Glossar. Domini Spelman. in diatribis de Comite; de Gemottis; de Hundredo, &c. & Concilia passim.*

## CAP. VIII.

*The great account made of Priests in the old Law, and before.*

PRiesthood is of 3. sorts. 1. That before the Law. 2. That of the Law. 3. This of the Gospel. The first belonged to the *Gentiles*, the second to them of the Circumcision, the third to us under grace. The third came in lieu of the second, and the second rise out of the first, which was from the beginning, and the work of nature: for as *Origen* saith, naturall wisdome required and established it: *Abel* and *Cain*, before the Priests office, by the instinct of nature, not by commandement, when each of them sacrificed, or made an oblation unto the Lord, *Gen* 4. 4. their outward senses reported to them continually the great mercies that God had shewed unto them: and their inward taught them presently, that they must be thankfull, and what course was fittest to expresse their thankfulnesse; namely, to honour him that gave all, with somewhat of his own; I say to honour him with it, not to reward him: therefore both of them (as it is said in *Gen.*) offered of their fruits; *Cain* like a churle, his fruits simply, that is, his ordinary and lean stuffe: but *Abel* like a Prince, his first-fruits, that is, his best fruits, namely, the fat, &c. *Gen.* 4. 3, 4. Thus was Priesthood instituted, corrupted, and reformed even

*Erant nihilominus ea tempestate sacerdotes, nec dum adhuc à lege ordinati, sed naturali sapientia hoc requirente & perficiente. l. 11. in Iob p. 2.*

ven in the beginning. *Cain* (for ought that here appeareth to the contrary) began it, and likewise corrupted it; *Abel* continued, and reformed it: but some rather think (and so saith *Hugo*) that *Adam* taught it to his children: and this to me seemeth more likely, that the better function should be derived from the better man, and not from the bloody mind of murdering *Cain*. *In* Gen. 4. 3.

From this fountain it ran under ground (I mean unspoken of) till the time of *Noah*, and then breaking forth again, did shew it self more perspicuously in his person, for he not onely offered an oblation, which he learned of his Ancestors, but offered it also upon an Altar, which he taught his successors.

By this example of *Noah*, the exercise of sacrificing grew common (no doubt) with the people of that time, and after in the confusion of languages to be dispersed through all Nations, who losing their originall faith with their originall tongue, and falling so to idolatry, applied this holy function to the worship of idols and devils. Amongst which, notwithstanding, (as here and there an ear of wheat, in a field of thistles) God had his servants, who from time to time, and age to age, traducing this holy mystery (as sacred fire) to posterity, kept it ever in the originall integrity. Besides the regall Priest *Melchisedek*, such were *Abraham* and *Job*, whom though the Scripture intituleth not with that name, yet it testifieth that they used the function, which seemeth then to be ordinarily, though the Scripture mentioneth it not; for young *Isaac* could talk of the fire, and wood, and ask where the Lamb was for the burnt-offering, *Gen.* 22. before *Abraham* had made the sacrifice there spoken of. But *Abraham* being first a *Gentile*, and after the Authour of Circumcision, brought the mystery

of

*Vt non Gentes ex Iudæis, sed Iudæi ex Gentibus sacerdotium acceperint. Ep. ad Euagrium. Tom.3.p.38.*

of sacrificing, and thereby of Priesthood) from the *Gentiles* to them of the Circumcision; so that (saith *Ierome*) the *Gentiles* received not Priesthood from the *Iews*, but the *Iews* from the *Gentiles*.

## CAP. IX.

*When our Saviour commanded that the Disciples should take nothing with them, but live on the charges of the faithfull; this bound not the Disciples perpetually.*

WHen our Saviour prescribed his Disciples to take nothing with them, but to live at the charge of them into whose houses they entred; this was a law to bind the faithfull to provide for the Minister, but not to bind the Minister to live so, and no otherwise; for though at this time he commanded them to take no scrip with them, (that is, no necessaries) yet after he saith; *But now he that hath a scrip let him take it*, *Luke* 22.36. So likewise he willed them to salute no man, yet it was not his meaning, that afterwards they should be so uncourteous. If this had been a legall commandement to the Disciples, then might they not vary from it, nor live in any other sort without sinne. But *Paul* and *Barnabas* left this course of maintenance and lived upon the labour of their hands, therefore this was no binding commandement, but as a Charter of liberty and power granted to the Disciples. They might both use and exact it, if they would, or they might *discedere de jure*, and leave it if they listed. S. *Paul*, 1 *Cor.* 9. largely handleth this point, and concludeth it to the purpose we alledge: *So* (saith he) *the Lord ordained that they who preach the Gospel should live of the Gospel*, v.14. *But I* (quoth he) *have used none of these things, neither*

*neither write I these things, that it should (thus) be done unto me*, v.15. By which words, saith S. *Austin*, it appeareth that our Lord commanded not in such sort, as they which preached the Gospel, might not live otherwise then by that that was ministred unto them by them to whom they preached it: for then (saith he) the Apostle did against this commandement, that got his living with the labour of his hands, lest he should be chargeable to any. But our Lord (saith he) gave them power to doe it (if they would) that thereby they might know that these things were due unto them. And again, a little after he addeth these words; therefore when the Apostle saith, *That our Lord so ordained, but for his part he used it not*, he sheweth manifestly, that power was given them to use it, (if they would) but no necessity imposed of doing it, (if they would not.) Tom.4.99.

And from this distinction is the reconcilement drawn of these two places in Scripture, which otherwise seem contrary, *Mat.*10.10. and *Luke* 9. 3. say both, that our Lord commanded that the Disciples should not take, no not a staffe with them: but *Mark* 6. 8. reporteth it, *Nothing save a staffe onely*. Saint *Augustine* therefore in the first place understandeth it literally, not so much as a staffe to stay or uphold them: but in the second place figuratively, for power and authority, as if the speech had been, Take no kind of necessaries with you, no not so much as a staffe to stay you, save onely the staffe of authority that I now give you. August. de Consciss. Eu. Tom.4.100.a.

And in that our Saviour left these things to the choice of the Disciples and Ministers, he made them Lords and free-men, for necessity imposeth bondage; Therefore *Paul* and *Barnabas* shewed not onely their freedome in not using that that lay in their power, but the noble-

nesse of their mind also that would depend upon no body; and hereby we must not judge them to have no right to tithes, because they omitted them also.

## CAP. X.

*That many things in the beginning both of the Law and the Gospel were admitted, or omitted, for the present, or reformed afterward.*

AS Painters in the beginning of their work, use rude colours, and unperfect lines, for their present direction; so in all great mutations, many things are for the present admitted, or omitted, which future time shall have just occasion to reform. This in humane actions is so common, as needeth no instance: but insomuch as the holy rites themselves are not free from it, neither in the old, nor new Testament, it is necessary for the point in hand to shew some examples thereof.

I observe therefore three kinds of alterations, 1. Admission of things prohibited. 2. Omission of things commanded; and 3. Reformation of things established.

1. Touching the first point; plurality of wives was forbidden, yet after *Lamech* had broken this institution, the children of God were permitted also to doe it. So likewise was Divorcement: yet *Moses* tolerated it.

None might sacrifice in the high places, or under green trees, but onely in the Tabernacle, *Deut.* 12. 2. yet till the building of the Temple, God often accepted it, as of *Gedeon*.

The Priests onely might eat the shew-bread, yet *David* and his followers did eat it also upon necessity.

2. On the other side, things commanded were omitted for a time; for when the Law was given, the wheeles thereof

thereof could not presently fall into their course. Circumcision it self was not used during all the 40. years travell in the wilderness, and happily had never been revived, if God had not commanded *Joshua* to circumcise the children of *Israel* the second time, *Jos.* 5. 2. Yea, the great ceremonies of sacrifices and oblations slept all that while, the people offered to Idols, and *Aaron* with them, but from the first sacrifice that *Aaron* offered, at the entring into the wilderness, *Lev.* 9. 8. *&c.* not one Altar breathed unto the Lord in 40. years, *Amos* 5. 26. Even *Moses* himself was buried in this sleep. How the Passeover and other Feasts were celebrated appeareth not, they are seldome mentioned, and may seem therefore seldome kept. One Passeover at the going out of *Ægypt*, *Exod.* 12. 11. Another in the wilderness of *Sinai*, God then reviving that commandment, *Numb.* 9. 1. *&c.* After by *Joshua* at *Gilgal* beyond *Jordan*, *Jos.* 3. 10. and from that day till the 18. year of *Josias*, (that is, above 800. years) all are passed over as obscure, except one in the time of *Solomon*, 2 *Chron.* 35. 13. and 2 *Kings* 23. 2. But I must not conceal that *Moses* omitteth the History of 36. years travail in the wilderness, reporting onely the punishment of him that gathered sticks on the Sabbath day, *Numb.* 15. 32. and therefore in that time whether it were kept or not, we can conclude nothing: but it is plain that before *Ezekias* his days it was so utterly lost, that when he came to renue it, it seemed meerly a new thing, 2 *Chron.* 29. and all this time also, was both the Temple forlorn and shut up, and all the holy rites almost extinguished till he renued them, *ib.*

For the point of Reformation; the *Levites* were by *Moses* assigned to the Tabernacle; the Priests to 3.

the Altar, but both of them confusedly without distinction, and yet so they continued till the time of *David:* who to reform this confusion, divided them into ranks, allotted a part of the service to every rank, and assigned to them of the ranks times of attendance, and intermission, 1 *Chron.* 23, 24, 25, 26. *cap.* upon which it is said that *Zacharias* was of the course (or rank of *Abia*) and executed the Priests office, as his course or turn came in order, *Luke* 1.5, & 8.

Some things also that were never commanded were brought into the old Law afterward, and well accepted, as the act of fasting, and the habit thereof, sackcloth and ashes.

The brazen Serpent was set up by Gods own commandement, *Numb.* 21.6. yet when the people burnt incense to it, *Ezekias* brake it in pieces, 2 *Kings* 18. 4. without any commandement.

None might slay the burnt-offerings but the Priests, but when they were too few, and till more were sanctified, the *Levites* did it, 2 *Chron.* 29.34.

Likewise in the New Testament, the wheels of the Gospel were not by and by in their course. The Apostles themselves are compelled to the same necessities.

1. First, to admit many ceremonies abolished, for if they struck at them all at once, they drive all the *Jews* from the doctrine at once; again, if they imposed them upon the *Gentiles*, the *Gentiles* repined at the burden: to carry the matter therefore as even as they might, they call a Councell, and consulting upon it, they write to the *Gentiles*, that they purposed not to burden them but with these necessary things, *viz.* to abstain from things offered unto idols, and bloud, and that that is strangled, and from fornication, *Acts* 15. 29. by which the

*Gentiles*

*Gentiles* could not complain of being burdened with ceremonies, nor the *Jews* that their ceremonies were contemned. In like sort Saint *James* and the Elders at Jerusalem seeing many thousand *Jews* to beleeve, and yet to be zealous of the Law, (*Act.* 21.20.) they not onely tolerated it for the present, but perswaded Saint *Paul* (comming thither) to doe the like, and further to make a shew also that himself observed the law: whereupon as before he had circumcised *Timothy* in shew of keeping the law, *Acts* 16.3. so now he also personateth a *Nazarite*, he is purified, and he is shaven (as one already) at *Cenchrea*, *Act.* 21.26. and 18. 18. Numb. 6.8.

Thus the Apostles applied themselves to the necessity of the time, the place, and the persons: thus *Paul* becommeth a *Proteus*, a *Jew* to the *Iews*, a *Gentile* to the *Gentiles*, weak to the weak, all to all, and all this to gain all them to Christ, 1 *Cor* 9. 22.

2. In the mean while, many things required to the establishing of the Church, must needs be omitted; the main matters they uphold unto death, but the secondary and remote dependances they refer to opportunity: therefore they by and by pressed no man with keeping the Lords day, and though themselves began by little and little to sanctifie it with breaking of bread, and preaching, *Acts* 20.9. 1 *Cor.* 16. 2. yet the first mention of it is above 22. years after the Passion of Christ in *Acts* 20. 7. and I suppose it to be begun about that time, because I finde that till that time the Apostles used the *Iudaicall* Sabbath, but never after, through all the New Testament; and the reason why they then used it was, for that the greatest Assemblies being on that day in the Temple and Synagogues of the *Iews*, therefore they resorted thither, there they preached the Gospel, there

they taught the people, as if themselves had celebrated that Sabbath. And as it was long ere they brought in the Lords day, so in matters more remote and outward, matters belonging to the body, they were lesse curious; therefore though they laboured hard in the Lords Vineyard, yet they required no wages of any man. And though *Paul* prescribed that Bishops should be good housekeepers, yet few or none of them were owners of houses, but rather as fugitives to escape persecution, or as pilgrims to preach the Gospel.

3. If the law that was given in a solitary place, to a people sequestred from all other, and at union amongst themselves, and having no publique nor potent adversary to hinder the course thereof; if they I say, could not preserve it in the originall integrity, much more of necessity must the establishment of the Gospel be impeached and turned out of the course thereof, it rising in the midst of the enemies, in the flame of persecution, and with the opposition of the greatest Potentates in every Region. It must therefore have the greater need of sundry Reformations: some of the first lineaments must be wiped out, some altered, & some as occasion served must be added or amended; the *Iudaicall* ceremonies that for many years together were permitted in the cradle time of the Church, must be taken away: *Paul* that then suffered them, now suppresseth them, *Col.3.Gal.3. ca.4. c.5.* and the holy Ghost throughout all the Epistle to the *Hebrews*, beateth them down for ever.

Thus as old branches be cut off, so some new be ingraffed; the Lords day, the Feasts of *Easter* and *Whitsontide*, not spoken of in the beginning, are brought in at length. Deacons are ordained presently after Christ, *Act. 6.2.* but no Bishops in 20. years after, nor were they

they then particularly ascribed every one to his limit, but many together over one City, as at *Ephesus*, *Act*.20. 28. So women at first were admitted to be Deacons, but time afterwards wore them out. Christ commanded his Disciples that they should not goe from house to house, but *Paul* saith, I have taught you openly, and from house to house, *Acts* 20.20. *Conc. Laodicen. c.* 11.

To conclude, all could not be suddainly done, nor compendiously written, that belonged to the government of the Church, therefore the Apostles left much to the wisedome of the Church, under this generall Commission, *Let all be done in order*, 1 *Cor*.14.40. a few words, but of great extent, like that of the Dictators at *Rome*, which being but two words, *providere reipub:* gave them authority over every thing.

## CAP. XI.

*That upon the reasons alledged, and other here ensuing, the use of tithing was omitted in Christs, and the Apostles time; and these reasons are drawn, one* ab expediente, *the other* à necessitate.

THe greater matters thus quailing as aforesaid, it could not bee chosen but things of lesse importance must also be neglected; especially such as were outward, and concerned onely the body, amongst which the use of Tithing was likewise discontinued, both in the Apostles time, and in the first age of the Law, when the great ceremonies of Circumcision, Sacrifice, and Oblations, the Passeover, &c. and many other holy rites were suffered to sleep.

But

*when there shall be a place which the Lord God shall chuse to cause his name to dwell there, thither shall you bring all that I command you; your burnt-offerings and your sacrifices, your tithes and the offerings of your hands and all your speciall vows, which you vow unto the Lord,* Deut. 12. 11. these things were not respited till then, but appointed that then also they must bee performed; for it is also said, *Exod.* 12. 21. When yee shall come into the Land which the Lord shall give you, —then ye shall keep this service, *i. e.* of the Passeover; which was done, *Ios.* 4. 6. but yet I take this to be discharge of it in the mean time. *Quære.*

But some will say, God strictly exacted not these things till the place he had chosen was prepared for them, that is, till the building of the Temple; as it is true in part touching the old Law, so is it likewise true in the new Law: and that therefore Christ and the Apostles exacted not the payment of Tithes in the first pilgrimage and warfare of the Gospel, but referred them amongst some other things till the Church were established; for as *Solomon* saith, *Every thing hath his time, and the time was not yet come,* that the Church should demand her owne, lest with *Martha*, shee seemed curious about worldly things, rather then as *Mary* to seek the spirituall.

When the Kingdome was rent from *Saul* and given to *David*, *David* by and by sought not the Crown, but life and liberty: so the Priesthood being rent from *Levi* and given to the Church, the Church by and by required not her earthly duties, but as *David* did life to grow up, and liberty to spread abroad; for love (saith Saint *Paul*) seeketh not her own, 1 *Cor.* 13. 5. and should then the mother of all love (the Church) be curious herein, especially when her necessities were otherwise so abundantly supplied?

Saint *Paul* maketh it manifest (1 *Cor.* 9. throughout) where he sheweth, that very much liberty, and great matters were due unto him in respect of his Ministry, yet he concludeth, I have not used this power (ἐξουσία) but on the contrary part suffered all things, *ibid. v.* 12. and again, *v.* 15. I have used none of all these things; but

But why did he not use them, since they were due unto him? his reason is, that we (as though he spake in the name of all the Apostles) should not hinder the Gospel of Christ, *ibid. v.* 12. But why should the taking of that was due unto him hinder the Gospel? because the malicious backbiters would thereupon report that he rather preached it for gain, then of zeal, and so abased his authority in the Gospel, *ib.* 18. wheras by this course of taking nothing for his pains, hee made it, as he saith, free, *ibid.* and stopped their mouths. Thus it is evident, that the Apostles not onely neglected, but absolutely refused even the things that they certainly knew to belong unto them.

*Another reason why the Apostles received no Tithes, drawn* à necessitate.

The very condition of the Church in the time of the Apostles could not suffer them to receive Tithes; for as the *Levites* received them not in their travell, and ways, but when they were setled, and the Temple built: so the Apostles being altogether in travel through all parts of the world, and in continuall warfare with the enemies of the Gospel, one while in prison, another while in flight, always in persecution, much lesse could they look after Tithes, which also were not to be paid as they needed them, but at the times and places onely, when and where they grew to be due, and ere that time came, they that were to receive them, were in another Countrey many hundred miles off: for example, the holy Ghost saith that *Peter* walked through all quarters; *Acts* 9.32. one while at *Lydda*, *ib.* another while at *Joppa*, *ib. v.* 36. first at *Jerusalem*, after

ter at *Antioch* (in *Syria*) *Gal.* 2. 11. then at *Babylon* in *Ægypt*,* 1 *Pet.* 5. 13. *Paul* and *Barnabas* being at *Antioch*, aforesaid, or sent forth by the holy Ghost, first to *Seleucia* in *Syria*, then to *Salamis* and *Paphus* in the Isle of *Cyprus*; after from thence to *Perga* in *Pamphilia*, so to the other *Antioch* in *Pisidia*, *Acts* 13. after to *Iconium*, *Lystria*, *Derbe*, the parts of *Lycaonia*. So again, to *Antioch* in *Syria*, thence to *Jerusalem*, and presently back to the same *Antioch*, where *Paul* and *Barnabas* breaking company, *Barnabas* with *Mark* saileth to *Cyprus*; *Paul* taking *Silas*, travelleth through *Syria* and *Cilicia*, confirming the Churches. Then he commeth to the Countries of *Phrygia*, *Galatia*, *Mysia*; from whence being called by the holy Ghost, he leaveth *Asia*, and passeth by *Samothracia* into *Europe*; preacheth at *Philippi*, a City of *Macedonia*, furthest North-ward of all *Greece*: then back again, and up and down *Asia* to *Jerusalem* again, and from thence at length to *Rome*; Reade *Acts* 13. 14, 15, 16. *cap.*

* Many affirm that he was at *Rome*. *Metaphrastes* and some other that he was here in *Britannia*: *Petri igitur muneris erat ut qui jam complures orientis Provincias prædicando euangelium peragrasset, jam (quod reliquum esse videbatur) lustraret orbem occidentalem, & usque ad Britannos (quod tradunt Metaphrastes & alii) Christi fidem annuncians penetraret.* Baron. Tom. 1. f. 597. l. 13. Metaph. die 29. Junii.

I will not speak of that, *Theodoretus*, and *Sophronius* the Patriarch of *Jerusalem* affirm, that after his first imprisonment at *Rome* he preached the Gospel to the *Britaines* our Countrymen, for happily he might doe that at *Rome*. But to come to the rest of the Apostles, *Bartholomew* (as *Jerome* witnesseth *Catalog. script. Eccles. Tom.* 1.) goeth to the *Indians*, *Thomas* to the *Medes*, *Persians*, *Hyrcanians*, and *Bactrians*, *Matthew* up and down *Æthiopia*, every one of them one way or other, to carry the sound of the Gospel through all the world, *Psal.* 19. I ask now what these men should have done with their Tithes? where they should have placed their Parsonage or Rectory? where their Cellar for their tithe of Wines? where the tithe Barn for the Corn? or if they

they had had such places, how should they have been defended *à fisco?* how frō the rapine of their persecutors? Our Saviour sending his Disciples but to the neighbour Towns of *Judea*, would not suffer them to encumber themselves with carrying any thing. And therefore the Apostles had great reason to eschew all impediments in these their turbulent and long peregrinations.

## CAP. XII.

### *That Ministers must have plenty.*

THose that would have Ministers live of alms and benevolence, make their reason, that they must follow the example of Christ and the Apostles; but by the example of Christ and the Apostles they are taught to abound in all works of charity themselves, to feed the hungry, to cloath the naked, lodge the harbourlesse, &c. and how shall they perform this, living in want? 5000. did Christ feed at one time, *Joh.* 6. 10. *Mat.* 14. 21. above 4000. at another time, *Mat.* 15. 38. and even herein are his Ministers bound to follow him, not in the miracle, but in shewing like mercy and compassion: for he saith not, I desire to doe a miracle, but I have compassion on this people, *Mat.* 15. 32. and therefore lest his merciful disposition toward them should be unprofitable (wanting then other means) he chose rather to perform it by a miracle, then to leave it undone; yet to shew that all ordinary means must first therein be used, as far as it may be, he neither called for Manna from heaven, nor quailes from the sea, (*Exo.* 16. 13. *Numb.* 11. 31.) but beginneth the feasts by ordinary means, the one with 5. loaves and 2. fishes, the other with 7. and a few little fishes. In which example of charity and hospitality, the Mini-

sters I say are bound to follow him as far as they can; for the commandement is, *Sequere me*, Follow thou me, *Mark* 10.21. & *cap.* 5.27. *Ioh.* 21.19. and if the Minister be not able to follow him for worldly wants (as the *Galatians* would have given *Paul* their eyes, so) the Congregation must give him their legs, that is, means and faculty to doe it: for the arm of working of miracles is now taken from our mother the Church, and therefore her children must now strengthen her hand the more abundantly to work by ordinary means, that is, they must furnish her with worldly necessaries, whereby she may be inabled to perform these great works of charity required of her.

1 Tim. 3.2. *Paul* commandeth that the Bishops should be φιλόξενοι, *hospitales*, good housekeepers, and how should they be so, if they have not provision and means to maintain it, and that in a certain manner? for if themselves be fed at the trencher of benevolence, what assurance have they of a dish of meat for their poor brethren? The heavens themselves are unstable; now it raineth, and wee have abundance, then commeth drought, and all is in scarcity. The humour of man is as variable; the people of *Lystra* that made a god of *Paul* on the one day, stoned him on the other, *Acts* 14. and in the fiery time it self, when zeal was most inflamed, our Saviour as it seemeth found even then a cooling blast; when for want of ordinary supply he was fain to fetch 20 d. by a miracle out of a fishes mouth to serve his need withall, *Mat.* 17.27.

It is meerly therefore unfit that Ministers should live upon benevolence and uncertainty: therefore though Christ and the Apostles lived so for the present, yet it is not prescribed as a perpetuall law to the succeeding Ministers.

CAP.

## CAP. XIII.

*Not to give lesse then the Tenth.*

IF those that ministred without the vail of the Temple were worthy of the tenth part, how much more deserved they that minister in the Sanctuary? the *Levites* might not come within the vail, that is, into the first Tabernacle, or holy place, *Heb. 9. 2.* nor meddle with the ceremonies, but did onely the outward work and drudgery of the Lords house, as to bear the burthens, prepare the wood, the water, fire, vessels, and instruments for the sacrifice and holy rites, kill, dresse, and flea the bullocks and beasts for the burnt-sacrifice, yet even in this by the rules of equity they deserved a tenth part of the increase of the Land; yea, the Ministry of the Priests themselves was but in earthly and transitory things, as in types and ceremonies to foreshew a better Testament, yet because their vocation was more honourable then the rest of the *Levites*, as being called into the Sanctuary, and to perform the holy ceremonies, therefore they received a more honourable portion; for first, they had the Tithe of their brethren the *Levites* part, that is, the tenth part of the tithe of all the land, which because they were but few in respect of the whole Tribe of the *Levites*, as not the 40. part perhaps, therefore the allowance of every one of them was much greater then of any other *Levite*, and yet to encrease it, they had the first-fruits, and their portions and fees out of the sacrifice and other offerings, and all these great allowances had they for their service about the earthly Sanctuary, or as it is called in the Epistle to the *Hebrews*, 9. 1. *the worldly Tabernacle*.

Come then unto the Ministers and Clergy of our Church, look upon them with the eye of common equity, compare them with the *Leviticall* Ministery, what proportion their deserts hold one to the other: surely though it be an axiome of Philosophy, yet it holdeth also in Divinity, that *Eadem est ratio partium quæ est totius*, there is the same reason of the parts that is of the whole; therefore if the Priesthood of our Saviour be much more excellent then that of *Aaron*, & the Ministration of the Gospel, then that of the Law, then much more excellent must the members be of the Gospel, then of the Law. And as their calling is more honourable, so is their charge, as having the care of souls committed to them, for which they must give a strict account: the *Levite* and the *Leviticall* Priest were free thereof, and stood onely charged with the performing the ordinary ceremonies, and no further. Their paines much more laborious then the *Levites*, who neither were burthened with preaching, nor served any where, but in the Temple at *Jerusalem*, and not above a week at a time, and notwithstanding had their corrodary, or allowance in the vacation. If then the *Levite* and Priest of the Law had the tenth part for his entertainment, how much rather is it to be conferred and enlarged upon the Ministers that invest us with spirituall and heavenly blessings; that as I say are called to a more excellent function, and consequently deserve a more excellent reward; that have a great charge committed to them, and consequently much great travell and labour in performance thereof? The *Levite* travelled onely in body, but the Minister of the Gospel both in

Though the *Levite* be said, 2 *Chron.* 25. 3. to teach all *Israel*, yet it seemeth not that they expounded the Word of God unto the people, or had it in charge so to doe, but that they instructed them how to carry themselves in their sacrifices & ceremonies: therefore *Jerome* translateth this place, *Levitis quoque ad quorum eruditionem omnis Israel sanctificabatur Domino.*

in body and minde: he must not onely doe the part of the *Levitical* Priest, which is to perform the ordinary service, sacraments, and rites of the Church, like the oxe that treadeth out the corn that is brought home, but he must be also like the Dove of the Ark, he must flie about to seek and fetch home to his Parishoners the blessed olive branch of peace. He must be like *Solomons* Eagle, whose [way is in heaven], there seeking food for his Parishoners: and like that Eagle (that God compareth himself unto, *Deut.* 32.11.) that dressetb up her nest, floteth over her birds, stretcheth out her wings, taketh and beareth them upon her wings, (the feeble and sick souls of his Parishoners) always teaching, comforting, strengthning, and confirming them committed to his charge; and thus shall he dearly earn the portion assigned to him.

Some then will say, this is like *Simon Magus*, to sell the grace of the holy Ghost. No, Ministers must be no Merchants, they must in no case sell Doves, *i. e.* the holy Ghost; (Christ did drive them out of the Temple) but the people must be just; piety, justice, and the law of nature requireth that every man render a reward to the labourer, not onely according to his labour, but with respect of his function, and the quality of his person; the Minister must not sell the breath of his mouth, but he may sell the sweat of his brows, hee may not sell his doctrine, but hee may take reward for his travell. It is Gods commandement to *Adams* posterity, *In the sweat of thy face shalt thou eat bread, Gen.* 3.19. much precious sweat doe many worthy Ministers distill for us in their function, which God no doubt putteth up in his bottle, and therefore they must have bread for it: much labour in reading, writing, watch-

watching, ſtudying, preaching, and praying, many pined and waſted herewith; *for much reading* (the holy Ghoſt ſaith it) *is a wearineſſe to the fleſh*, and willeth man to take heed of it, *Eccleſ.* 12. 12. and therefore if there were no more in it but ſo, a worthy reward is due unto them; but beſides this, they miniſter unto us ſpirituall things, that is, things ineſtimable: and is it much then if we return them temporall things? And though ſometimes there may be found amongſt them, ſuch as *Judas* among the twelve Apoſtles, and in all ages ſome unworthy of that ſacred calling, they being ſubject to humane frailties, yet tithes are not to be denyed, becauſe they are due originally to God, who aſſigned them over to the *Levites* in the old Teſtament; for he ſaith, *I have given them to them*, Num. 18. 24. *the tithes of the children of* Iſrael *I have given to the* Levites; and in the new Teſtament to the Miniſters of the Goſpel, *for they that preach the Goſpel, muſt live of the Goſpel*; they are therefore to be paid to the Prieſt, or Miniſter, for he is the ſteward of Gods houſe, and in this point we are not to reſpect what condition he is of, for the debt is due to his Maſter, not to himſelf: ſo that whether he be good or bad, what condition ſoever he be of, he ſtandeth or falleth to his own Maſter.

CAP.

## CAP. XIV.

*The Etymology, and definition of Tithe; and why a tenth rather then any other part is to be paid.*

DEcima, and *decuma*, in the plurall number; or *decima*, and *decuma*, in the singular, (which *Tully* most useth) in Greek, δέκας, *quasi* δεχάδα, i. *capacem*, saith *Philo*: ἀπὸ τοῦ δέχεσθαι, *à capiendo*, because it comprehendeth all other kind of numbers, as more largely hereafter shall appear: and because this part should of all the rest be the best and the largest which in our English we commonly call; Tithe: of the Saxon word Teoδa, *i. e.* the tenth: and Teoδan ȝceattaȝ, tithes: of the verb *Teo*, i. *traho*, *extraho*, & Tiehδ, *Subtrahit*, as if we should say, the choice part, or the part that is taken and chosen from the rest for God himself, which whether it be the tenth or not, yet it is generally comprehended in Latine under *decima*, and in English under the name Tithe. *Omnia sua decimabant* (saith *Augustine*) *& de omnibus fructibus suis decimam partem detrahebant & ipsam dabant. & paulo post. Tectum decimabant, id est, decimam partem detrahebant, & eleemosynas dabant*, Augustin. Tom. 10. p.27.D.

For which cause the Latines used the word *decimare* & *exdecimare*, to choose and cull out the principall things; and our own English word, Tithe, importeth as much: for it commeth of the Saxon Teoδ, i. *e.* the tenth, which is a verball of *Teo*, that signifieth to take out, as if it should admonish us that the tithe or part given to God must bee a choice or principall part.

Before I proceed further in this Treatise of Tithes, I hold it fit first, to propose a definition thereof, that my discourse may be the more certain. I define it therefore.

Tithe is the tenth part of that we lawfully possesse, rendred by us unto God, by way of thanksgiving for his blessings bestowed on us.

*In sum. de deci. § 1.*

Or according to *Hostiensis*;

*V. Vocab. Vtriusq. Jur. in verbo decima.*

*Decima est omnium bonorum mobilium licitè quæstorum pars decima Deo data, divina constitutione debita,* (*quæ forte addit author vocabularii*) *ut colligitur de decim. Ca.* 1. *& ca. Parochianos, C. nonest. Ca. tua nobis* § *verum. C. non sit ab homine*---vel, *Decima est omnium bonorum justè adquisitorum talis pars Deo debita.*

*Raymundus.*

1. This definition leads us first to examine why the tenth part, rather then any other should be yeelded unto God.

2. Secondly, out of what it is to be yeelded: all that we lawfully possesse.

3. Thirdly, unto whom it is to be rendred; unto God.

4. Fourthly, in what manner it is to be rendred, *viz.* by way of thanksgiving.

5. Fifthly and lastly, upon what consideration it is to be rendred; and that is for his blessings bestowed upon us.

I have not read why in this matter of Tithing the tenth in number should be rather allotted unto God, then any other: and therefore wanting a guide to direct me, I will walk this way the more respectively; but according to mine own apprehension I observe two reasons thereof, one Mysticall, the other Politicall. Touching the first, as *Plato* and the *Pythagoreans* attributed great mysteries and observations unto numbers: so doe likewise all the greatest Doctors of the Church, and the very books of God themselves, and therefore it is not to be thought that in this point of rendring Tithes, but the number of 10. is also respectively chosen. * S. *Augustine* saith, that many things are not yet understood in Scripture, for that we cannot attain unto the knowledge of the vertue or power of numbers. And both he and Saint

**Multis aliis atque aliis numerorum formis (quædam similitudinum) in libris sanctis seponuntur. quæ propter imperitiam numerorũ legentibus clausa sunt. De doctri. Christ. lib. 2.*

Saint *Jerome* through their whole works continually observe great secrets therein: so doe the rest of the Fathers, and not onely in the Old Testament and Ceremoniall Law, but in the New Testament also: Insomuch that I think there is not almost any number there mentioned, out of which some particular observation is not made. But to come to this we are in hand with. Let us see why this was allotted to God above others, and what part in reason is due unto him: Reason tels us certainly, the best, and the choicest: therefore he refused the unclean beasts; the lame and the blemished things: for as he is best worthy, so he requireth the best of every thing, the bloud of the sacrifice, because it was the life: the fat, because it was the perfection of it: to be short, the number it self allotted to him, (the tenths I mean) if the mysteries thereof be opened, tels us, both why it was yeelded, and why above other he should require it.

It is said to signifie the first and the last, the beginning and the end; it is *finis simplicium numerorum, initium compositorum*; the end of simple numbers, and the beginning of compound: the first articular number, & the last number of single denomination. The number wherewith the progresse of numeration running as it were circularly, always endeth and beginneth again. *Repræsentat* (saith *Bartholomeus*) *merito ipsum Christum qui est* A, *&* Ω, *principium & finis*; that is, it worthily representeth Christ who is *Alpha* and *Omega*, the beginning and the end. In these and such other respects it is also said to be like a circle, the greatest and the perfectest body in *Geometry*, having neither beginning nor ending, (as other Attributes of God.) *Hermes* justly named *Trismegist*, labouring to describe God by the most significa-

tive resemblance that mans wit could attain unto, said; God is like an imaginary circle, or sphere, whose center is every where, and whose circumference no where: meaning infinite and beyond extent. And as the circle a sphere, of all forms and bodies is most spacious and of greatest capacity, comprehending all other, and it selfe comprehended of none: so the number of 10. comprehendeth all numbers, and is it selfe comprehended in none of them, neither is there any number beyond it, but that riseth out of it. *Decas* (saith Saint *Ambrose*) *numerum omnem complectitur.* It is the foot and base whereon all of them are founded, and it containeth not only all dimensions, but to be short, all the reasons of *Arithmetick*, *Geometry* and *Musick*. Therefore *Philo Judæus* saith, they that first gave names unto things (for they were wise) seem to me to have named *decadem*, that is, the number of 10. *quasi δεχάδα*, i. *capacem*, ἀπὸ τοῦ δέχεσθαι, *à capiendo, quod capiat & amplectatur omnia genera numerorum, rationum ex numeris collectarum, proportionum, harmoniarum, rursus & concentuum, proprie appellasse*, i. e. of taking or comprehending, for that it taketh or comprehendeth all kindes of numbers, of reasons gathered out of numbers, of proportions, harmonies and concordances. In this manner the number of 10. representeth unto us (as such things may) the nature of God, the perfectest, the greatest, comprehending all, and comprehended of none, the beginning and the end, yet infinite and without beginning or end. So that this number (10.) this tribute money in question hath (in the respects before alledged) the apparent image of God, and therefore let us see whether it hath his inscription or not, for sure if it hath his image or inscription, it is due unto him by his own words, his own argument. The

*De Abraham Patriarch. l. 2.*

*Hebrews*,

*Hebrews*, & from them the *Gracians* expresse it by the letters that begin his greatest and essentiall name, *Jehovah*; that is, ι & ι, *jod & iota*. The *Romanes* and wee of the Western parts of the world, one while by the letter *X*, & another while by the figures 10. All know that the letter *X* signifieth ten, and the learned also know, that it likewise signifieth the name of Christ; for commonly in ancient times, and to this day in many books it is so written, *X'*, or *X·*, *X*ⁱ, *X*ᵒ, *X*ᵐ, for *Christus*, *Christi*, *Christo*, *Christum*: and in like manner for *decimus*, *decimi*, *decimo*, *decimum*, in the time of the Law it was marked with the letters of the Fathers name, in the time of grace with the Sons name. Yet the truth is, that the letter *X* thus used for the name of Christ, is no Latine letter, but borrowed from the Greek, where it signifieth *Ch*, because it represents not onely the name, but the Crosse of Christ, in which the Latin letter *X*, as the number and character of ten, hath also much hieroglyphicall signification. To come to the *Arithmeticall* figures that expresse it, which are the figure of 1, and the cypher o, 1 signifieth the same that *Alpha* doth in Greek, that is, one. The cypher o, presenteth to us, *Omega*, for *Omega* is no more but great *O*, and in ancient time was noted onely by circle, or cypher, and in effect still is: so that 10. in figures expresseth Α and Ω. As Α is the first letter in the Greek Alphabet, and Ω the last: so in the Alphabet of *Arithmetique*, the figure of 1, is the first, and the cypher o, is the last; therefore in like respect the figures of this number of 10. signifieth the first and the last, the beginning and the end. But as the cypher o, in this respect signifieth the end, so we must mark that it is a circle, and hath no end. Being therefore joyned to the figure of 1, which signifieth the beginning, it sheweth unto us, Mat. 22. 21.

that the beginning is without end, & the end it self without beginning or end, both infinite & without any limit. The first character in the figure of 10, *viz.* 1. begetteth all numbers (for it is *semen numerorũ*) & is begotten of none: so that it is *unus & omnis*, one and all, and so do the very figures signifie *in notis antiquorum*, according to *Valerius Probus & P. Diaconus*. Therefore to conclude, it hath both the image of God, in signification of his nature, and the inscription of his name in the frame of the characters and figures; In all languages and with all Nations after one manner or other, as though nature her self had taught them that this part belongeth to God, which by no wit, or any learning can be applied to, or found in any number between 2, and millions of thousands. *Reddite ergo quæ sunt Cæsaris Cæsari, & quæ sunt Dei Deo.* Give unto *Cæsar* the things which are *Cæsars*, and unto God, the things that are Gods.

Mar. 22. 21. Mar. 12. 17. Luke 10. 25. Joh. 13. 7.

All that we have belongeth unto him, yet is he pleased to accept a part onely; but we must note further, that it is such a part as implieth the whole, because the whole is his. He loves not to have a piece of us simply, it must be such a piece as comprehendeth all in effect; therefore when he said, *Give me thy heart*, it was as much as, give me all: for he will have all or none. Therefore in his sacrifice hee specially required the head, and the tail; the head as *principium*, the tail as *finem*; the beginning and the end of all our actions: for so the whole is his. And in the same sense the Law of the Land did anciently reckon those parts. For though the whole Fish Royall belongs to the King, yet *Bracton* saith, it sufficeth if he have the head and the tail; for that in those parts the whole is implied: and consequently when we give God the tithe, or tenth part, we

*Decima omnia complectitur. Bullinger in 7. Heb.*

put

put him in possession of all, yea, we put the nine parts remaining into his protection; for the number of ten in like respect implieth the whole, as *Philo Judæus* discourseth it. And so also doth Saint *Augustine* expound it, and therefore thinketh that by the 10. horns in *Daniel* is meant the whole succession of Kings in the Roman Empire.

*Lib. de 10. præcep. fol. 75, 76. & seq.*

*Quid si numero isto denario universitas regũ significata est? De C. D. lib. 20. 23.*

The same Father yet further saith, that the number of 10. signifieth the Law of God, *Quia in decem præceptis lex data est.* And in another place, *Denarius legem (significat) undenarius peccatum: quia transgressio est denarii* 1. The number of 10. signifieth the Law, and for that the number of 11. exceedeth it, the number of 11. signifieth sin. Therefore because God hateth sin, and hath made the number of 10. to be as it were the number of perfection, and righteousnesse, (for so likewise doth Saint *Augustine* tearm it) when he requires the number of 10. of us, it puts us in mind, that he requireth also the fulfilling of his Laws, and the keeping of his Commandements.

*Decima hora: numerus iste legem significat quia in 10. præceptis data est lex, in cap. 1. Evang. Joh. Tract. 7. To. 10. Serm. 15. de verb. Domini in Evang. Mat. Ser. 15. Tom. 10*

That God accepted the tithe, or tenth, as, and for the whole of that whereof it is yeelded, is apparent by Gods own exposition, for when he had reserved it to himself, as his rent out of the Land of *Canaan*, given by him to the children of *Israel*, and assigned that rent over to the *Levites* for their maintenance, yet out of that assignment, he reserved also a tithe, or tenth part, to be laid up in the chambers of the treasure house, to be offered to himself, as it were thereby to hold his possession, and to keep seisin of his inheritance, which in the 18. of *Num.* 20. is called an heave-offering: and this very heave-offering, which was as I say, but the tenth part of the tenth, that is, the 100. part of the whole, was accepted

cepted and taken by God, as the full seisin and satisfaction for the whole; therefore he biddeth *Moses* say to the *Levites*,---*Your heave-offering shall be reckoned unto you as the corn of the barn, or as the abundance of the wine-presse*: that is, the tithe that you are to give, though it be the hundreth part, yet I will accept of it, as if it were all the corn of your barn, and of your fields, and as the whole profits, even as the abundance of your Vineyards. In like manner also doth he accept the fat of such offerings, in the 29. *v.* to shew unto us, that since all is his, he will have perpetuall seisin of the whole, and will not be disinherited of the least part.

Numb. 18. 27.

Doubtlesse he is well pleased with this tenth part, for when he threatned the destruction of the Land by *Isaiah*, he concludeth, yet there shall be a tenth part remaining as to replenish it again, and as holy seed, *Isa.* 6. 13. he will save his own part. We have received all things of the fulnesse of God, therefore out of our fulnesse it is fit that we render something back unto him, not by way of reward, but in honour of him. This number is also said to be the number of fulnesse, and to signifie the greatest things, wherein as numbers have their *secreta* and *latebras*, to use Saint *Augustines* words, so hath this number above all other a peculiar secret and blessing given unto it, as if God had marked it for himself; for as God in *Hezekiah's* time, blessed the offerings and tithes in abundance, so it seemeth the word abundance, *(plenitudinem) Exod.* 22. 29. is used for the tithe and first-fruits: and it hath of old been observed that in naturall things, the tenth is usually the fullest and the greatest: the tenth floud, and the tenth egge. *Festus*, and many other Authors doe affirm it: and to that purpose *Ovid* saith,

Tom. 10. fol. 15.

2 Chro. 31. 10.

Lib. 4.

*Vastiùs*

*Vastiùs insurgens decimæ ruit impetus undæ, i. e.*
The whole force of the tenth floud, wave, or billow, rising up more hugely then all the rest, rushed into the the ship. And *Valer. Flaccus* tearmeth it, --- *Decimæ tumor cæduus undæ*, the high swelling of the tenth wave: so likewise is it noted by *Silius Ital. Lucan, Seneca.* *Lib. 14. Pharsal. 5. In Agunem.*

And this observation amongst the Ancients hath been so notorious and remarkable, that they commonly used the word tenth in Latine, *decimus, decumanus & decimanus*, to expresse the greatest things; therefore in the division of their fields, they called the greatest extent, *decumanum limitem*; the greatest or chief gate in their Camp, *decumanam portam*; the greatest shields, *decumana scuta*; and so likewise, *decumanos fluctus*, and *decumana ova, decumanũ acipenserem*: & upon the like reason they used the word *decimare, & exdecimare*, for to choose and cull out the choice and principall things, as *Perrot* reporteth. And because in the procreation of men, and many other living creatures, the number of 10. is most happy and effectuall, as the tenth month in some, and the tenth week in others; the *Romanes* admired the secret vertues of this number so superstitiously, as they canonized it among their gods by the name of *Decuma*, as you may read in *Tertullian, Gellius*, and many other. And for this cause *Romulus* closed up the year in the compasse of ten months, as the time of fulnesse and perfection. *Cic. in Verrem.*

I will prosecute the mysteries of this number no further, but conclude with *Philo Judæus*, that he that should run into the Mathematicall powers and observations thereof, hath work enough for a large Volume. *Satis amplum ex se ad librum conficiendum præbet argumentum. Phil. de 10. præcep.*

*De ratione decimarum, & denario numero, pluribus*

*git Philo lib. de congress. quær. ernd. gratia.*

X

*Exprimit antiquis hæc Christum littera scriptis:*
*Exprimit & partem quam petit ille sacram.*
*Ergo citus, Christi quæ sunt, date munera Christo.*
*Cæsaris accipiat Cæsar: uterque suum.*

This *X* of old exprest Christs holy name,
And eke the sacred Tenth which he doth claime.
Give then to Christ, what's Christs, without delay.
Give *Cæsar*, *Cæsar's* due, and both their pay.

## CAP. XV.
### *Who shall pay Tithe.*

THe Laws and Commandements of God, are commonly given in the second person singular; as, *thou shalt love the Lord thy God*; *thou shalt not steal*. And so here, *thou shalt not keep back thine abundance*, that is, thy first-fruits and tithes; and, *thou shalt give the tithe of all thy encrease, &c.* a Pronoun of particularity, (thou) for the Adjectives of universality, *Nullus & omnis*; as if he should say, None or no man shall keep back his abundance: And all men shall give the tithe of all the encrease. For it is an axiome in Logick, that, *Indefinitum æquipollet universali*, Indefinite propositions are equivalent with universall: And so every man must pay tithe; Every man, saith Saint *Augustine*, *Quia omnia Dei sunt, per quæ vivit, &c.* because all things whereby he liveth are Gods, whether it be the Earth, or Rivers, or Seas, or all the things that are under, or above the heavens.

*Quia omnia Dei sunt per quæ vivit, sive terra, sive flumina, sive semina, vel omnia quæ sub cœlo sunt, aut super cœlos. De restitud. Cath. converf. Tract. Tom. 4.*

vens. *Abraham* and *Jacob* paid tithes, and therein bound all whosoever bee of their posterity to doe it. Even *Levi* himself, who after received tithes of his brethren, was bound thereby, and paid them in the loins of *Abraham*, (as it is said in the 7. *Heb.*) 400. years before he was born, and we also as *Abrahams* children. For if the *Levites* themselves, that (as the mean Lord, to use the Lawyers tearm) received tithes of their brethren, were not freed from paying them over to the Lord Paramount, God Almighty, how much more are all wee bound of what sort and condition soever to pay them likewise? But some happily will ask, if the *Levites* paid tithes? yea, they did pay the tenth part of their living to God, as well as their brethren, as before wee have touched it in speaking of the heave-offering, and as it is manifest in the 18. of *Numbers*, *v.* 26. *Speak unto the* Levites (saith God to *Moses*) *and say unto them, when ye shall take of the children of* Israel *the tithes which I have given you, of them, for your inheritance, then shall you take* (elevationem) *an heave-offering of the same for the Lord, even the tenth part of the tithe:* which in the next verse save one, they are commanded to deliver to *Aaron*, Gods generall Vicar in spirituall function. And in the 10. of *Nehem.* it is further said, *The Priest the sonne of* Aaron *shall bee with the* Levites, *when the* Levites *take tithes, and the* Levites *shall bring up the tenth part of the tithes unto the house of our God, unto the chambers of the treasure house.* So then the *Levites* themselves paid tithes, and by their example the Clergy of our time must doe it likewise; but the question will be then, to whom? First, let us see what became of these tithes Paramount, thus laid up in the treasury. We must understand that the Treasury of the Temple was not particu-

larly for that purpose, but for the guests and offerings also whatsoever dedicated and given to God: and I find that of this Treasury there were 3. sorts: *Mesack*, where the munificent gifts of Kings and Princes were laid up: *Corban*, where those of the Priests: and *Gazophylacium*, whereinto the people and all passengers brought their offerings, and into which the poor widow, as it seemeth, cast her two mites. I find not any particular limitation of these Treasuries, but the common end of them all was to be employed upon things necessary for the house and service of God, and for relief of the poor, and of orphans, widows, and strangers. *Josephus* expoundeth *Corban*, for the very gift it self offered by them that dedicated themselves to God, as the *Nazaræi*, and sheweth that the Priests disposed it to the needy. And to these ends must our Clergy give and pay over their owne Tithes unto God, first, in repairing and maintaining the house and service of God, as 2 *Kings* 12.4. then in alms and charitable devotion to the poor: for the poor are Gods Publicans, and by him appointed to gather and collect this rent or custome due to him, and to carry it into his Treasury of heaven, as the Porters thereof, there to be laid up for our use and benefit in the world to come. *Decimã Deo in pauperibus vel in ecclesiis donet*, saith S. *Augustine*. Let him give it to God either in bestowing it upon the poor, or in the Churches. Though Christ be ascended into heaven in his person, he is still upon earth by his Proctors and Substitutes, the poor and needy; and therefore a Father (*Jerome* I take it) answereth *Mary* when she complained, that they had taken away the Lord; Oh, saith he, but they have not taken away his servants, meaning the poor and needy, on whom shee might abundantly expresse her charity. As the Law of God

*Antiq. Iud. l. 4. ca. 3.*

*De restitud. Cath. Converf. Tom. 9.*

*Sustulerunt dominum, at non servum.*

God enjoyned the *Levite* to pay tithe to the high Priest: so also the old Law of the Land bindeth our Bishops themselves to pay Tithes, yea, the King himself. I command my Sheriffes (saith *Ethelstane*) through my Kingdome in the name of the Lord, and of all the Saints, and upon my love, that they presently pay my own Tithes to the uttermost, both of living things, and of the fruits of the earth; and that the Bishops doe the same of their own goods, and also my Aldermen and Sheriffes.

*Tom.* 1. *Concil. Britan. pag.* 402.

And the very glebe Land of the Parson himself, if it be letten to another, must pay tithe, as was adjudged in the Kings Bench this Term *Sancti Hillarii. Quære.*

## CAP. XVI.

### *Out of what things Tithe is to be paid.*

IT is recorded in *Genesis*, that *Abraham* before his name was changed, *Gave him tithe of all.* And *Jacob* in the 28. *ca.* saith: Of all that thou shalt give me will I give the tenth unto thee. In the 27. *Lev. All the tithe of the Land of the seed of the ground, & the fruits of the trees is the Lords, it is holy unto the Lord:* and in the 14. *Deut.* 22. *Thou shalt give the tithe of all the encrease of thy seed that cometh forth of thy field year by year:* that we should bring the tithes of our Land unto the *Levites*, that the *Levites* might have the tithes (in all the Cities) of our travell or labour. So in the 2 *Chro.* 31. 5. *they brought the tithes of all things abundantly*; & v. 6. *they brought the tithes of bullocks, and sheep, and the holy tithes, which were consecrated unto the Lord their God*, i. *by a vow.*

Gen. 14. 20. Heb. 7. V. 30.

In these general precepts there needeth no particular enumeratiō of what should be paid, they run upō the word

All; & without exceptiõ, all whatsoever the ground yeeldeth either by industry, or naturally, corn, wine, oyl, the fruits & increase of every thing, whether living or vegelative. And more then so, for even those things that are gotten by labour and travell; for therein we have our part of his mercy and blessing, as well as in his other gifts & bounty. And the words in *Nehe.* [in all the Cities] seem to extend to the handy-crafts-men, for Citizens commonly occupy not fields, or husbandry, which is rather proper unto the Villages & Country people: So that if Citizens should not yeeld the tithe of their travel, most of them should yeeld nothing at al, *and no man must appear before the Lord empty*, *Exod.* 23. 15. for he hath shewed mercy upon all, and he will have some acknowledgement from all. This upholdeth the custome of many places of *England*, where the very servants pay a tithe out of their wages, some deduction being made for apparell: and by like reason I think, that those that have Annuities and fees, as Officers and such like, ought to yeeld a tithe thereof; for out of those the King hath his Subsidies and tenths, and by like, yea better reason should God have his portion: *Of all that thou shalt give me*, saith *Jacob*, *will I give the tenth unto thee*; and in the Gospel, the *Pharisee*, though braggingly, yet according to the use of the righteous of that time, saith, *I give tithe of all that I possesse*; as it seemeth, even of his goods, and dead commodities, as of the fruits of the earth. For I suppose that the Ancients paid tithes in two sorts, some *ex præcepto*, others, *ex arbitrio*, or *placito*; some by commandement of the Law, others out of their free-will and benevolence. In the 31. of the 2 *Chron. v. 6.* it is said, They brought the tithes *Baum & pecudum*, of oxen and sheep, things tithed before whilest they were young

Nehem. 10. 37.

Deut. 16. 16.

The tenth of bullocks and sheep, and all that goeth under the rod commanded, Lev. 32.

young, as I conceive, and not now again to bee tithed, when they were grown to their full ages. So in the 10. of *Nehe.* 37. they brought first-fruits of their dough, yet no doubt, their dough was tithed before in the corn it was made of: therefore I take these tithes to be tithes *ad placitum*, in the election of the party, whether he will give them or not; but if he doe allot them to God, he is tyed like *Ananias* and *Sapphira* to perform them faithfully, for they then become due *ex præcepto*; for he that voweth unto the Lord, is commanded not to break his promise, *Numb.* 30. 3. And these kind of tithes no doubt were often paid by the godly, sometime upon generall occasion, as that of *Hezekiah*, sometime of particular, as that pretended by the *Pharisee*.

Military spoil, and the prey gotten in war is also tithable, for *Abraham* tithed it to *Melchisedek*, and thereof, if we may depart a little out of the circle of holy Scripture into the Histories of the *Gentiles*, (who even by instinct of nature found this duty to belong unto God) we abound with examples thereof: as paid by *Cyrus* at the taking of *Sardis*; by *Furius Camillus*, upon the overthrow of the *Veians*; by *Alexander* the great, upon his conquest of *Arabia*, when he sent a whole ship laden with frankincense for the Altars of his gods. But occasion to speak of these shall serve me better afterward, and therefore to return to that is more materiall. The example of *Abraham* in this point of tithing the prey, teacheth us also, that we give God a tithe out of every accession of wealth, that he sendeth to us in any course whatsoever: so that the gains of buying and selling, and the great improvement arising by merchandise, is under this title both registred and commanded. I know not what the rich City of *London* doth in this kind,

*Herodot. Clio. lib. 1. f. 36.*
*Livy li. 5.*
*Pliny l. 12. c. 24*

*Melpom. l. 4. f. 267.* kind, but I read in *Herodotus*, that the poor *Samians* yeelded at one time sixe talents to that purpose, and that the *Siphnians* out of their silver and gold Mines sent so great a tithe to *Delphos*, as the richest man of that age was not more worth.

*Thalia l. 3. f. 180.*

S. *Augustine* saith, *Vnusquisque de quali ingenio aut artificio vivit de ipso decimam Deo in pauperibus vel in ecclesiis donet.* Let every man out of the trade or craft whatsoever he liveth by, give God the Tithe.

*De rectitud. Cathol. conversat. Tractat. Tom. 9 f. 250.*

## CAP. XVII.

### *That things offered to God be holy.*

I Must first explain what I mean by holy, and that is, not that they are divine things, or like those of the Sanctuary, which none might touch save the anointed Priests. But like the lands and possessions of the *Levites* mentioned in *Leviticus*, ---*that were said to be holy and separate from common use, and separate from man*, *Levit.* 27.28,29. that is, from the injury of secular persons, and to be onely disposed to and for the service and servants of God, *defensum & munitum ab injuria hominum, N. F. de rer. divis. L. sanctum*, as the persons of Emperors and Kings are said to be holy and sacred: for as the Altar sanctifieth the offering, *Mat* 23.19. so these things being offered to God, are by this very act of oblation made holy, and taken so into his own tuition, as they may not after be divorced. Wo be therfore to the *Scribes* and *Pharisees* that devour widows houses, *Mat.* 23.14. how much more wo then unto those that destroy the house of God, and by divorcing Christ from his Spouse the Church, make him also a widower, and his Church

a

a widow, and so devour both the widows house, and the widow her self.

But some are of opinion, that the Church it selfe is no longer holy, then while the service of God is in hand therein: as the Mount and the Bush were no longer holy then while God was there: and by that reason a Church and an Ale-house are of like sanctity, for a man may preach in an Ale-house, and minister the Sacraments in an Ale-house, and occasion sometimes doth necessarily require it: And what is their reason hereof? why, their reason is, that consecration of places, and of the implements belonging to the service of God were *Leviticall* ceremonies, and therefore ended with the *Leviticall* Law. These men reason, as if before the *Leviticall* Law there had been no rules of Gods honour: and as though the *Morall* Law, and the Law of nature taught us nothing therein: Doth not God himself leave the precepts of the *Leviticall* Law, and reason with the *Israelites* out of the Law of nature, *Mal.* 3. when he saith, *will any man spoil his goddesse?* as if he should say, that the Law of nature hath sanctified those things that are offered unto God, and therefore will any man violate the Law of nature? Doth not Saint *Paul* reason also in the same sort, when he saith, Despise ye the Church of God? 1 *Cor.* 11. 22. If I should apply the places of Scripture that are spoken of the great reverence of the Temple, it would be said, that that were *Leviticall*: but the office of the Temple was *Morall*, as well as *Leviticall*, and therefore though these be ended, yet the other, the *Morall* remaineth.

When Christ had cast the oxen & doves that were for the *Leviticall* service out of the Temple, yet he said, that it was an house of Prayer, as figurating that after the ce-

remonies were ended and gone, yet the *Morall* office of the Temple to be an house of Prayer still remained. Saint *Paul*, 1 *Cor*.11. 22. when he saith, *Despise yee the Church of God?* speaking it as if he wondred that any should be so irreligious, or rather sacrilegious to despise the Church; and no man I think doubteth but that this was spoken of the materiall Church, for he blameth them that did use unseemly drinking in the Church.

Note. *See the first Treatise, of the rights and respect due. § 10. Of the three severall places, and three functions of the Temple: and how the last continueth holy, for Prayer, Doctrine, and instruction of the people: which therefore had in it no Ceremoniall implement at all.*

## CAP. XVIII.

*Tithes must not be contemned because they were used by the Church of* Rome.

IF we should reject Tithes because they were used by the Church of *Rome*, by the same reason we must also reject our Churches; but the Apostles used both the Synagogues and the Temple it self after Christs Ascension, though they were polluted with the doctrine and ceremonies of the *Jews*; and therefore we are not to reject Tithes and other things profitable to Gods service, because the Papists used or misused them. The Censors ordained for Gods honour were impiously abused by *Corah*, *Dathan*, and *Abiram*, yet God rejected them not, but commanded them to be still employed in some better course of his service, namely, in making plates for the Altar, *Numb*.16.38.

And

And by this Scripture doth *Hugo* and *Origen* reprove them that judge the works of an heretique to be burned without preserving the good things in them: and the Altar to be pulled down whereat a Schismatique hath ministred. *Hugo in Genes. 16. fol. 136. a.* and *Origen in Homil. 9. sup. Num. fol.* 104.

God refused not the burnt-offering of *Gedeon*, though he made it with the idolatrous wood of *Baals* grove, yea, himself commanded it so, *Judg. 6. 26.* and in the Gospel the offerings of the proud *Pharisees* were as well received into the Treasury of the Temple as the mite of the poor widow. When *Jericho* was destroyed and accursed, yet God required the gold and silver for his holy utensils, *Jos. 6. 19.* For though filthy gains are forbidden to be offered unto God, yet good things because they have been abused, are not forbidden to be offered unto him. When the pottage provided for sustenance of the children of the Prophets was infected by him that threw in the wilde gourdes, or *colloquintida*, *Elisha* the Prophet commanded them not to be cast away, but cleansing them from their infectious venome used them still for food of the children, 2 *Kings* 4. 38. So if the pottage of the Ministers have been abused with Roman *Colloquintida*, purge the infection, but take not their pottage (I mean their Tithes) from them.

*Aristophanes* bringeth in *Hercules* laughing to see effeminate *Bacchus* clad in the Lions skin: but we may well lament to see a spruce *Castilio*, and his masking mistresse trickt and trimmed up with those Church-livings that godly and grave men in times past gave for maintenance of Gods service, and the Ministers thereof. *In Ranis.*

I can but wonder, what should move *Flacius Illyri-*

*Decimas nupeius extortas per papas. Caal. test. ter primo impositas in Concil. per Pelagium Papam Anno* 588.

*cus* (a man so conversant in the history of the Church) to affirm, that Tithes were lately extorted by the Popes; and that they were first imposed by Pope *Pelagius* in the Councell, *Anno* 588. unlesse his meaning be, that in elder times they were paid at pleasure, and now first commanded to be paid of duty: which construction (though contrary to the understanding of a common Reader) if we doe allow him, yet is it untrue also; for that Councell reciteth that they had been paid before of long time, and that by the whole multitude of Christians, and as due by the Word of God, and consequently not at pleasure. (*Concil. Matisconense.* 2. *c.* 5. *Anno* 588. *Tom.* 2.) So that this Councell did but revive and quicken the cold devotion of that time, and not inferre new matters unheard of before.

## CAP. XIX.

### *That the Tradition of ancient Fathers and Councels is not lightly to be regarded.*

IT appeareth by divers ancient Fathers and Councels, that Tithes were paid long before their times in the Primitive Church, and were unto the age of the Apostles, though little memory thereof remaineth in the Authors of those times. And shall we not beleeve the Fathers received such instruction from their elders? Doth not God bid us ask after the days of old, and the years of so many generations, saying, *Ask thy father, and he will shew thee; thine elders, and they will tell thee?* Deut. 32. 7. If we shall not beleeve them, why should we ask them? and why did the children of *Israel* complain, that their Fathers heard not the words of the book of the Law, 2 *Kings* 22. 13. but be-

because they therefore could not report it to them their children?

Shall we think nothing to be done, but what is written? doth not the Evangelist tell us, that if all were written that Christ did, he supposed the world could not contain the books, *Joh.* 21. 25? are not many actions of elder time alledged in latter Scriptures, and yet no testimony of them in the former? it is said, 1 *Chro.* 26. 18. that *Samuel*, *Abner*, and *Joab*, dedicated many things unto God, yet their story reporteth no such matter. *Solomon* is noted, 1 *Chron.* 10. to have kept a famous Passeover: yet is there not a word of it in the history of his time. Fasting was brought into the Church before Christ, and the use also of building of Synagogues, but it appeareth not when, or how. *Paul* alledgeth, that our Saviour said, It is better to give, then to take, *Act.* 20. 35. yet no Evangelist doth mention it. *Jude* saith, *v.* 9. *that* Michael *and the Devil strove for the body of* Moses, yet the Old Testament noteth no such thing; how then came they by these instructions? Surely by books that are perished, or by inspiration, or by relation of others: and doubtlesse the ancient Fathers came to the knowledge of many things by all these ways. First, by books that be perished, for it is manifest by *Eusebius*, *Jerome*, *Gennadius*, and others, that the ancient Fathers saw many thousands, which are not now extant. If by inspiration, the holy Ghost, that was sent down upon the Apostles, and passed from one to another, returned not by and by to heaven, but remained actually amongst the Fathers of the Primitive Church; and therefore what they generally taught is carefully to be kept. But if they received these things by Tradition, the very Tradition of those first

ages of the Church are much to be received; for all that time, no doubt, infinite speeches and actions of Christ and the Apostles (whereof many were collected by *Ignatius* and *Papias*, as *Jerome* reporteth, but now lost) were then fresh in the mouths of every man, as not onely the Fathers of that time doe abundantly testifie, but our own experience also induceth us to conceive; for doe not we our selves hear and beleeve many things to be done in the time of King *Hen.* 8. that never yet were written, nor like to be?

## CAP. XX.

### *Ancient Councels and Canons for payment of Tithes.*

THe Canons attributed to the Apostles, come first in rank to be mentioned, yet I will not insist upon them. Neither doth *Bellarmine* (as they are now published) maintain them to be the children of those Fathers. Yet can it not be denyed that the first 35. of them are very ancient and neer the time of the Apostles; for *Dionysius Exigu.* that lived within 400. yeares of the Apostles, translated them out of Greek as received long before in the Eastern Church.

The fifth of those Canons ordaineth, that all other fruit should be sent as first-fruit (and tithe) home to the house of the Bishop and Priests, and not to be offered upon the Altar; adding further, that it was manifest that the Bishops and Priests did divide it to the Deacons, and the rest of the Clerks. And though the Greek copy in this place, calleth not these fruits δεκατοῦς, Tithes, yet the Canon seemeth to bee meant thereof, for other fruit none was to be carried to the house of the Bishop, or to bee divided amongst the Priests,

Priests, and the Deacons, save offerings, tithes, and first-fruits; therefore the old Translation of the Canons out of *Zonaras*, expresseth it tithe and first-fruits. And this fashion here received of sending these things to the house of the Bishop, and his dividing of them among the Priests and Deacons, sheweth the great antiquity of this Canon; for it appeareth, that the first usage was so, and that the Ministers had *menstruam sportulam*, every month a basket of the offerings and tithes for their maintenance; whereupon they were called *Clerici sportulantes, i.* basket Clerks.

*Vid. Cyprian. Epist.* 34. *&* 66. *Baron. anno Ch.* 57. *Num.* 72. *&* 145. *& anno* 58. *Num.* 89. And the people then offered accustomably to the Altar, and for the maintenance of the Priests.

*Concilium Agrippinense, cap.* 6. *Anno* 356. first decreeth, that Tithes shall be called *Dei Census*, Gods rent: and reciting that the third part thereof, as was declared in the *Toletan* Councell, belonged to the Bishops, yet according to the Roman use, they agreed to take but every year the fourth part, which upon excommunication they commanded to be paid. *Burchand. lib.* 3. *ca.* 135.

*Concil. Romanum* 4. *sub Damaso*, about the year 375. amongst the Decrees thereof it is ordained, *ut decimæ atq; primitiæ à fidelibus darentur, qui detrectant anathemate feriantur*; that tithes and first-fruits should be paid by the faithful. *Damas. pe. patrim. adiit, An.* 367.

*Concil. Aurelianense* 1. *sub Symmacho, An.* 507. *Can.* 17. decreeth, that the Bishops shal have every year the fourth part, or every fourth year the whole tithe *Tom.* 2. *Con.*

*Concilium Tarraconense sub Hormisda, An.* 517. *Can.* 8. *juxta Burchandum*, 9. *juxta Bin.* saith, that it was an Order,

der, *antiquæ consuetudinis*, that the Bishop should have the third part of all things yeerly, and therefore willed it still to be kept. *Burchard lib.* 3. *Ca.* 33. *Bin. Tom.* 2. *Conc.*

*Concilium Mediomatricis, Anno* willeth the Bishops to reprove (*prohibeant*) them that would not pay Tithe without some reward be given them. *Bur. l.* 3. *C.* 134.

*Concilium Toletanum, Anno* 533. divideth all Church rights into two sorts of oblations, one to be those that are offered (*i. e.* given) to the Parish Churches, as Lands, Vineyards, bond-men, &c. and willeth that these should be wholly in the ordering of the Bishops. The other to be those of the Altar, whereof it commanded the third part to be carried to the Bishop, and two parts to be for the Clerks. And of Tithes it saith, that according to some, the third part yearly, or every third year the whole was so paid. But that they following the manner of the Roman Church, decreed, that the Bishops should have every year the fourth part, or every fourth year the whole tithe. *Burchard lib.* 3. *C.* 136. *& Bin. paulo aliter Tom.* 1.

In a collection of Canons of an uncertain Author, in the *Vatican* Library, this is attributed to *Sylvester*, who was Bishop of *Rome* 315. *Binnius* in a note upon this Canon somewhat differeth in words.

*Concilium Matisconense* 2. *sub Pelagio* 2. *Anno* 588. affirmeth Tithes to be due by the Laws of God; that the whole multitude of Christians kept those Laws very warily of long time, that by little and little they were in those days almost wholly neglected. And this Councell decreeth, that the ancient usage of the faithfull should bee revived, and that all the people should bring in their Tithes to them that ministred the

*Hoc. confirm. Con. Hispalens. Tom.* 2. *Et approbat. per Gualter. & Hostinian. de origin. bonorum ecclesiæ, ca.* 3. *p.* 123.

the ceremonies of the Church, &c. otherwise to bee excommunicated. *Tom.2.Con.*

*Concilium Hispalense sub Gregorio* 1. *Anno* 590. concludeth thus: That if any mantithe not all these things (*viz.* before named) he is a spoiler of God, a thief, and a robber, and the cursings that God put upon *Cain* for his deceitfull dividing, are cast likewise upon him. *Ivo. p.2. & 174.Tom. 2. Concil.*

*Concil. Valentinum sub Leone* 4. *Anno* 858. *ca.* 10. That all faithfull men should with all readinesse offer their ninths, and tithes to God of all that they possesse, &c. upon perill of excommunication. *Tom.3. Con.*

*Concil. Rothoma. cap.* 3. nameth particularly what ought to be tithed, and commandeth to doe it upon pain of excommunication. *Burchard li.* 3. *ca.* 130. and annexeth the Councell, *Mogunt. ca.*38.

*Concil. Cavallon. ca* 18. *Anno* 813. That Bishops, Abbots, and religious persons should pay them to Churches out of their possessions, and families where they baptized and received. *Burch. lib.* 3. *ca.*132.

And *Concil. Cavallon. c.* 1. decreeth, that all Churches with their whole livings and tithes should bee wholly in the power of the Bishops, and to be ordered and disposed by him: *Burchard lib.*3.*ca.*146.

*Concil. Moguntin.* 1. *ca.* 8. recited by *Burchard*, who lived about 600. years since, saith, that *Abraham* by his action, and *Jacob* by his promise declared unto us, that tithe was to be given to God; The Law hath since confirmed it, and all the holy Doctors are mindfull of it, &c. Hereof the venerable Doctor Saint *Augustine* saith, Tithes are required as a debt: What if God should say (quoth he) thy self a man art mine, and so forth as followeth in that Sermon of his that hereafter we

exhibit. The Councell proceedeth further, shewing reasons why Tithes should be paid. That if the *Jews* were so carefull in executing this commandement, as they would not omit it in the least things, mint, and rue, &c. as our Saviour testifieth; how much more ought the people of the Gospel to perform it, that hath a greater number of Priests, and a more sincere manner of Sacraments? They are therefore to be given unto God, that being better pleased with this devotion, he may give more liberally the things we have need of. That this kind of maintenance is fittest for the Clergy, that they otherwise be not troubled with worldly businesse, but may attend their calling.

That the daily offerings of the people, and that Tithes are to be divided into four parts, according to the Canons; The first to the Bishop, another to the Minister or Priest, (*Clericorum*) the third to the poor, the fourth to repairing of Churches. *Burchard li. 3. c. 133.*

*Concil. Moguntin. 1. cap. 10. tempore Appa 4. & 4. Lothar. Imp. Anno* 847. *sub Rabano Archiepiscopo qui scribit Ludovico.* This Councell admonisheth men to pay their Tithe carefully, because God himself appointed it to be paid to himself. And that it is to be feared, that if any man take Gods right from him, God for his sins will take things necessary from him also. *Tom. 3. Conc.*

*Roman. Concil. 5. Anno* 1078. *Tom. 3.* saith, that Laymen upon pain of sacriledge, excommunication, and damnation, might not possesse Tithes, and Church livings, though granted by Kings and Bishops, but must restore them.

CAP.

## CAP. XXI.

*In what right tithes are due: and first of the law of nature.*

WE have said in our definition, that they be due unto God: now we are to shew by what right, and to prove it. First, therefore, I divide Tithes into two sorts, Morall, and Leviticall; Morall, are those which were due to God before the Law given in the time of nature. Leviticall, are those nine parts assigned by God himself, (upon giving the Law) unto the *Levites* for their maintenance, the tenth part being still reserved to himself, and retained in his own hands. Morall tithes were paid by man unto God, *absque praecepto*, without any commandement; Leviticall tithes were paid by the *Israelites* unto the *Levites*, as transacted and set over by God unto them *pro tempore* for the time being, and that by an expresse Canon of the Ceremoniall law. To speak in the phrase of Lawyers, and to make a case of it; God is originally seised of tithes to his own use, *in dominico suo, ut de feodo*, in his own demesne, as of fee-simple, or as I may say, *Jure Coronae*, and being so seised by his Charter dated, year after the Flood, he granted them over to the *Levites*, and the issue male of their body lawfully begotten, to hold of himself in *Frank-Almoigne*, by the service of his Altar and Tabernacle, rendring yearly unto him the tenth part thereof: So that the *Levites* are meerly Tenants in tail, the reversion expectant to the Donor, and consequently their issue failing, and the consideration and services being extinct and determined, the thing granted is to revert to the

Donor, and then is God seised again as in his first estate, of all the ten parts in fee.

But we must prove the parts of the case: and first, the title, namely, that he was seised in fee of originall Tithes, that is, that originall Tithes doe for ever belong unto him. Hear the evidence: which I will divide into three parts, as grounding it first upon the law of Nature; secondly, upon the Law of God; and thirdly, upon the Law of Nations.

## CAP. XXII.

### *How far forth they be due by the Law of Nature.*

WHen I said by the Law of Nature, my meaning is not to tiemy self to that same *jus naturale*, defined by *Justinian*, which is common to beasts, as well as to men. But to nature taken in the sense that *Tully* after the opinion of others, delivers it to be,---

De nat. Deo. l. 2. *Vim rationis atque ordinis participem, tanquam via progredientem declarantemque, quid, cujusque causa, res efficiat, quid sequatur, &c.* the vertue and power of reason and order, that goeth before us as a guide in the way, and sheweth us, what it is that worketh all things, the end why, and what thereupon ensueth or dependeth. This by some is called the Law of Nature, secondary or speciall, because it belongeth onely to reasonable creatures, and not generally to all living things; in respect whereof it is also called the law of reason, and it is written in the heart of every man, by the instinct of nature, as *Isidor* saith, (not by any legall constitution) teaching and instructing all Nations through the whole world to discern between good and evill, and to affect the one as leading to the perfection of worldly felicity, and

*Quis scribit in cordibus hominum naturalem legem nisi Deus? Aug. de serm. Domini in monte l. 2.*

and to eschew the other, as the opposite thereof. This is that law written in the hearts of the Heathen, made them to be a law unto themselves, as it is said, *Rom.* 2. 14. and by the instinct of nature, to doe the very works of the Law of God, with admirable integrity and resolution. This is that Law that led them to the knowledge of God that they had, whereby they confesse him to be the Creator, supporter, and preserver of all things, seeing all things, knowing all things, and doing whatsoever pleaseth himself, to be omnipotent, eternall, infinite, incomprehensible, without beginning or end, good, perfect, just, hating evill, and ever doing good, a blessed Spirit, and as *Plato* calleth him, μέγιστον δαίμονα, the greatest Spirit, that giveth all good things unto man, that guideth his actions, and blesseth his labours: All this and much more, did the very Heathen by this Law of Nature, conceive and pronounce of God, and therewithall confessed, that by reason thereof they were justly tyed to yeeld him all service, honour, obedience, praise, and thanksgiving; but wanting grace to direct them above nature in the right ways thereof, they first swarved on one hand, then on the other, and at length they fell into their innumerable superstitions and idolatries; yet as they concurred with us in these fundamentall points of Christian confession, touching the nature of God, so did they likewise in the fundamentall course of serving and worshipping him; as by prayer, to crave blessings; by hymnes, to celebrate his praise; by oblations, to shew their thankfulnesse to him; by sacrifice, to make atonement with him for their sins and trespasses; by honouring and maintaining his servants, Priests, & Ministers, to expresse the honour, love, and reverence they

bear unto himself. Some are of opinion that they learned much of this from the children of God. So *Ambrose* alledgeth, that *Plato* did of *Jeremy* the Prophet, meeting him in *Ægypt*; but it appeareth that *Jeremy* lived before *Plato* almost 300. years: yet it is doubtlesse, that with their bloud and linage they deducted many particular rites and ceremonies from *Noah* and his Nephews: but these notions I speak of, rise out of the very law of nature written in their hearts by the finger of God, as S. *Augustine* witnesseth, saying, *Quis scribit in cordibus hominum naturalem legem nisi ipse Deus?* who writeth the law of nature in the hearts of men but God himself? and *Calvin* agreeth, that the knowledge of God is naturally planted in the mindes of all men; Do we not see at this day, the very barbarous, and (almost) savage *Indians*, agree in effect, most of them, aforesaid touching the nature of God, and the course of worshipping him also, yea, in the five ways we spake of, *viz.* by prayer, by songs, by offerings, by sacrifice, and by honouring and maintaining his Priests and servants? who taught them this, if not the very law of nature? Me thinks I hear some answer me, the Devill; and I must answer them, that it is true, the Devil taught them to pervert these notions, but it is God that wrote them originally in their heart, though the Devil hath choaked and corrupted them. But say that the Heathen learned those of the children of God, whence did the children of God learn it themselves, before the Law was given? who taught *Cain* and *Abel* to offer their firstfruits, & to sacrifice? *Abraham* and *Jacob* to give tithes of all that they had? *Lactantius* saith, that the law of nature taught to give offerings to God, and the practice of all the Nations of the world, in all ages, and in all religi-

*Instit. l. 1. c. 3.*

*Calv. Inst. l. 1. c. 4.*

religions confirmeth it. As soon as Christ was born, the wise men that came afar off out of the East, brought offerings unto him, as directed onely by the law of nature, for they were *Gentiles*: and none used to visit the Temple of God but with some presents; not that God is delighted with such things, but that their affections by the fruits of their devotion were made manifest, the Church and service of God maintained, and those that were in need and necessity, orphanes, widows, strangers, and the poor people provided for and relieved; for these are Gods care, and are to him as the dearest kinde of his children, and though younger brothers as touching the worldly inheritance, yet those on whom he thinketh the fat Calf well bestowed. *Donum* (saith *Lactantius*) *est integritas animi*: the gifts we give unto God are a testimony of our frank and open heart towards him. *An offering of a free heart* (saith *David*) *will I give unto thee*: out of his abundance we have received all things, and out of ours let us render some.

It seemeth this law of nature is tearmed by *Moses* the Law of God, for he saith, I declare the Ordinances of God, and his Laws, *Exod.* 18.16. when as yet the Law was not given: and before, *ca.* 15.26. If Israel will hearken to his Commandements and keep his Ordinances, *c.* 19.5.

## CAP. XXIII.

*Tithes in the time of Nature: first considered in the time of Paradise.*

I Would not be so curious as to seek the institution of tithes in Paradise: yet no man will deny but that Paradise was a modell of the Church, and that God had his honourary rights in all the three kindes, he now requireth them at our hands, namely, a portion of time, place, and of the fruits; of the fruits, as the tree of knowledge; of the place, as the midst of the Garden; the time, as the cool of the day, which signifieth the time of rest, and so the Lords day: as more

particularly wee shall shew by and by. Touching the fruit, it was the portion that God reserved from *Adam* when he gave him all the rest; and that portion also that justly and properly belongeth to God, knowledge. And therefore this part particularly was assigned by God unto his Priests, as the sacred keepers of this his sacred Treasure, and therefore no other man might invade this his right and inheritance, Knowledge (saith *Malachi*) belongeth to the Priest. Touching place, what should be assigned to the chiefest, but the chiefest? and what is the best and chiefest, but the midst? for *medium*—and therefore the place here where Gods portion is assigned him, is the midst of the Garden; and therefore into this place doth *Adam* flye as into Sanctuary, and to the horns of the Altar, when he had offended, for it is said, that *Adam* hid himself in the midst of the Garden: So *Calvin*, which is, the trees in the midst of the Garden.

And touching the time, it is by all expositors upon the matter, applied to the time of rest: for either they expound the cool of the day to be the evening, as *Oncalus*, or the morning, as *Calvin*; and take it in either of these senses, it may aptly discover the *Judaicall* Sabbath in the first sense, or the *Christians* Sabbath in the latter. And as these are the times when we are to make our publick reckonings, confessions, and prayers unto God, and thereupon to receive sentence of curse or absolution: so at this time, presently God calleth *Adam* and *Eve*, and the Serpent; that is, the whole congregation of Paradise to a publique reckoning, confession, and account; and like the great Ordinary and Bishop of his Church, denounceth against them the curse that their sins had demerited.

If

If occasion required, I could shew many other particulars wherein Paradise exemplified the very Church of Christ.

Again, these rights of honour are likewise prefigured unto us in other examples, under the age of Nature, the time I mean before the floud: for we have therein three great examples of all these his three rights. First, in the creation of the earth he reserved a particular place for himself as the place of his own resort and pleasure, Paradise; which was the very locall place of his Church, and therefore out thereof he threw man, being accursed as a prophane and excommunicate person. And as touching his portion of time, he figuratively shewed the seventh part of our age to belong unto him, as in respect of his Sabbath, when he took *Enoch*, being the seventh from *Adam*, to keep his perpetuall Sabbath.

And so likewise all the fruits of the tenth age, which was that of *Noah* (for he was the tenth from *Adam*) he took wholly to himself: making the evill parts as a sacrifice of his wrath, to honour him by their destruction, and the better parts, which were saved in the Ark of his Church, to glorifie his name by their preservation: so that in this time of nature, the full tenth of all things was paid unto God as a propitiatory sacrifice, for of the ten ages from *Adam* hee had the fruits of one whole age, which is all one as if he had had the tenth part of every particular thing as it grew due in every particular age, and so the Church expoundeth in that Canon of the Councell of where it is commanded that the

## CAP. XXIV.

### *The time of Nature, after the fall.*

LEt us take a view of the ſtate of Religion before the Law, and from thence unto the calling of the *Levites* to the ſervice of the Tabernacle. The time before the Law was the kingdome of ſin and of death, having no means propounded whereby to eſcape, but what the light and law of nature taught unto men, who finding themſelves fallen from the favour deviſed by invocation and beating of the heavens, with continuall odours and ſavours to ſeek for mercy at Gods hand, and by ſacrificing of bullocks and brute beaſts to ranſome themſelves as far as they might from his heavy diſpleaſure. Therefore in thoſe times though every man might offer oblations and ſacrifices that would, yet becauſe the order thereof might bee the more certain and reverent, both the children of God, and the Heathen alſo, ordained to themſelves particular perſons of greateſt worth, wiſdome, and ſanctity, which they called their Prieſts to take care of theſe things, to ſee them performed in ſuch manner as might make them moſt acceptable to God. Hereby grew the reputation of Prieſthood to be above all dignities, that in thoſe days the Kings themſelves in all Nations affected it as the greateſt and immediate honour under God himſelf. Yet becauſe neceſſity required ſo great a number of Prieſts for the ſervice of God, as there could not be had Kings enough for that purpoſe, therefore other inferiour perſons were alſo called to that excellent function; yet ſuch as in one reſpect or other were ſtill the nobleſt that were to be found. Therefore

even

even in that time (I mean before the Law was given) God promiseth the *Israelites* that if they will hear his voice indeed, and keep his covenant, they shall not only be his chiefest treasure upon earth, but they shall be unto him also a kingdome of Priests, *Exod.* 29. 5, *& 6.*

Of these kingly Priests, two are mentioned in Scripture before the Law; *Melchisedek* Priest and King of *Salem*, and *Revel* or *Jethro*, Prince and Priest of *Midian*. Exod. 16. & 18 Of other Priests it appeareth in *Exod.* 19. 22. *&* 24. that there were many. *Let the Priests* (saith God) *that come to the Lord be sanctified*; and again, *Let not the Priests break their bounds, &c.*

Touching these Priests we finde no mention either how they were called to their function, or how they were maintained in it; neither of them that executed that place after the Law was given till the calling of the *Levites*, which though it were a short time, as not above a year and some months, yet must they have some maintenance and means to live on even during that time. The Priests of *Ægypt* had not onely lands for their maintenance, but they also had a certain part appointed them by *Pharaoh* to live upon; and though it appeareth not by the Scripture what this part was, yet it is plain, that it was such, and so bountifull, as when all the other *Egyptians* sold their land to *Joseph* for *Pharaoh* to save their lives in the famine, they lived upon this part and kept their lands.

The children of God (no doubt) came not behinde the Heathen in devotion, and consequently not in their bounty to their Priests; therefore though we have no authority to demonstrate unto us the particular means wherein they were provided for, before the Law, yet

we may very probably conceive it to be much after the manner of the Heathen Priests of that time, for that the Priests and children of God being then scattered amongst the Heathen, as *Melchisedek* among the *Canaanites*, *Jethro* amongst the *Midianites*, could use no rites nor ceremonies in the worship of the true God, but the Heathen would have the same in the service of their gods: insomuch as nothing is mentioned in the Scripture concerning the same before the *Leviticall* Institutions, but it is particularly found among the *Gentiles* first, touching both their Priests and manner of sanctifying of them, as also touching their offerings, altars, and sacrifices, and the manner of feasting at the sacrifice of thanksgiving used by *Jethro*, *Exod.* 18.12.

I infer therefore, that seeing the Heathen took their originall manner of holy rites from the children of God, that therefore what originall rites the Heathen had in their service of their religion, that the same were in use also among the children of God, though they be not mentioned in the Scripture: and consequently, that insomuch as the Heathen universally paid Tithes and first-fruits unto their Gods and Priests, that therefore the children of God did so likewise from the beginning to the true God. And to this agreeth *Hugo Cardinalis*, saying, It is thought that *Adam* taught his sons to offer first-fruits and tenths unto God: so that the children of God borrowed it not from the Heathen, or the Heathen from them, but both the one and the other from the law of nature; for as *Ambrose* saith, God therefore by *Moses* followed not the fashion of the *Gentiles*: *Non ergo Deus per Mosem Gentilium formam sequutus est; sed ipsa naturalis ratio hoc habet, ut*

*quis*

*quis inde vivat ubi laborat*, in Epist. 1 Cor.ca.9.C.41. Col. c.

And as the examples of *Abraham* and *Jacob* do plainly confirm it to be done by them, so doubtlesse was it also done by other of the *Hebrews*, even before the *Leviticall* Institutions, and even then holden and taken to be a duty belonging unto God, as plainly appeareth by Gods own mouth in 22. *Exod.* 29. when hee saith, and that before the *Leviticall* Institutions: *Thine abundance and thy liquor shalt thou not keep back*: which all Interpreters agree to be spoken of the Tithe and first-fruits of corn, oyl, and wine, and therefore *Jerome* doubted not so to translate it, *viz. Thy tithes and first-fruits shalt thou not keep back*: wherein the word keep back, *non tardabit*, is very materially to be considered, as evidently shewing, that it was a custome of old to pay these tithes unto the Lord, and therefore that he now required them not as a new thing, but as due unto him by an ancient usage. That the word *non tardabis*, thou shalt not keep back, or delay, implieth a thing formerly due, very reason telleth us, and the use of it in other parts of Scripture doth confirm it, for the very same word תאחר is used in the same sense, *Deut.* 23.21. *When thou vowest a vow unto the Lord thy God, non tardabis*, thou shalt not be slack to pay it, or shalt not keep it back: this is not a commandement to pay or give a new thing, but to pay that is already due, the thing vowed. In the same sense it is said, 2 *Pet.* 3.9. *non tardat Dominus promissa*, the Lord is not slack in performing his promise, that is, not slacke, or holding that back which in his honour and justice he hath tied himself to pay or perform; the blessing he promised, which by his promise is made a debt.

## CAP. XXV.

### *That they are due by the Law of God.*

IT is ſaid in *Geneſis* in the end of the 13. *ca.* and ſo on in the 14. and in the 7. to the *Hebrews*, That whilſt *Abraham* dwelt at *Hebron*, in the Plain of *Mamre*, his brother *Lot* was carried away priſoner by the foure (*Aſſyrian*, or *Babylonian*) Kings, with all that he had, and that *Abraham* confederate with *Mamre* the *Amorite* and his brethren, *Eſcol* and *Aner*, armed his houſhold, even the bond-men as well as free, 318. in all, and purſued them unto *Dan*, where hee ſmote them in the night, and recovered *Lot* and the prey: And that as he returned, *Melchiſedek* King of *Salem*, Prieſt of the moſt high God, met him, and gave him bread and wine, and bleſſed him, and prayed and praiſed God for him: and that *Abraham* did thereupon *give him the tithe of all*. This place of Scripture is very materiall for our purpoſe, as portraiting unto us the whole modell or plat-form of the Church now under the Goſpel, even as if the one were meaſured out by the other, with a line, or rod, as *Moſes* meaſured the Tabernacle, and as if God had ſaid as he did unto *Moſes*, *See that thou make it in all things like the pattern I have ſhewed thee*, Exod. 25. 40. the laſt. We will therefore ſtay a while upon it, and conſider the action, the time, the place, the perſons, and ſome other circumſtances. The action, as having nothing in it belonging to the *Leviticall* Law, and therefore a plain direction unto us how to demean our ſelves under the Goſpel. The time, as performed before the Law was given, namely, about 300. years after the flood, both according to the rites of

In the Hebrew text it is indefinite which of them gave tiths to other; therefore the *Iews* ſay *Melchiſedek* gave it to *Abraham*, but the holy Ghoſt in the 7. to the *Hebrews* explaineth it, that *Abraham* gave them to *Melchiſedek*.

*Codomannus* ſaith in the year 293. ſome other count it above 370.

that time, and to be president for the time to come after the Law abolished. The places where this action was performed, *Hebron*, *Dan*, and *Salem*; *Hebron*, a place in *Judah* where *Abraham* dwelt afterward, one of the *Levitical* Cities, from whence *Abraham* departed, when he went into this expedition. *Dan*, the uttermost limit of the holy land, whither *Abraham* pursued his enemies, and there slew and chased them. *Salem*, the place where *Melchisedek* was King, which by reason of *Josephus* his mistaking it, is commonly taken to be *Jerusalem*, but erroneously, as *Jerome* and *Lyra* explain it: for Saint *Hierome* out of the ancient *Rabbins* sheweth it to be a Town neer so called in his time, and men then shewing the ruines of *Melchisedeks* Palace in great magnificence. S. *John* also doth witnesse it to be *Enon*, a known Town in *Jeromes* time neer *Jordan*, where the spring was that *John Baptist* baptized in: *John* also (saith he) baptized at *Elim*, besides *Salem*, because there was much water there: So that the first door that was opened into the Kingdome of heaven by the preaching of the Gospel, the first administration of the Sacrament of Baptisme, as S. *John* here reporteth it, was within the territories of the Kingdome of *Salem*, that is, by interpretation, the Kingdome of peace and righteousnesse, which Baptisme bringeth by washing away originall sin.

*Melchised. Dei sacerdos, Solymorum quam civitatem postea Hierosolymam vocarunt. Ios. Antiq. l. 1. c. 18. Hieron. in Ep. ad Evagr. et in loc. Heb. Lyra in Gen. 33.*

Joh. 3. 23.

The persons are, *Melchisedek*, *Abraham* and his confederates, and family. *Melchisedek* is the image of Christ, King of righteousnesse and peace, the Priest of the high God, and a Priest for ever; for the Scripture neither sheweth his beginning, nor his ending. A Priest, not anointed with materiall oyle, after the ceremony

remony of the *Leviticall* Law, not ordained for a time as *Aaron*, but established with an oath by God himself to be for ever: and sanctified with the spirituall oyle of gladnesse above all the ranks and orders of *Leviticall* Priesthood. *Abraham* an *Hebrew* and representing the rest of the *Hebrews*, Gods chosen people: Father of the *Jews* by Circumcision, and by faith the Father of the *Gentiles*. His confederates, *Mamre*, *Escol*, *Aner*, *Amorites* and *Gentiles*, representing the whole body of the *Gentiles*. The family of *Abraham*, as well bond-men as free-men, all mingled together, and all here marching as under one ensign, not of the *Leviticall* Law, which onely belonged to the *Jew*, but of the New Testament, embracing both *Jew* and *Gentile*, bond-men and free-men, the children of *Hagar* as well as *Sarah*. Their enemies are the idolatrous *Assyrians* or *Babylonians*, who spoil the people of God, and these *Abraham* pursueth, killeth, and chaseth beyond *Dan*, that is, out of the Church.

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## CAP. XXV.

### *That they are due by the Law of God.*

IT is said in *Genesis* in the end of the 13. *ca.* and so on in the 14. and in the 7. to the *Hebrews*, That whilst *Abraham* dwelt at *Hebron*, in the Plain of *Mamre*, his brother *Lot* was carried away prisoner by the foure (*Assyrian*, or *Babylonian*) Kings, with all that he had, and that *Abraham* confederate with *Mamre* the *Amorite* and his brethren, *Escol* and *Aner*, armed his housholds, even the bond-men as well as free, 318. in all, and pursued them unto *Dan*, where hee smote them in the night, and recovered *Lot* and the prey: And that as he returned, *Melchisedek* King of *Salem*, Priest of the most high God, met him, and gave him bread and wine, and blessed him, and prayed and praised God for him: and that *Abraham* did thereupon *give him the tithe of all*. This place of Scripture is very materiall for our purpose, as portraiting unto us the whole modell or plat-form of the Church now under the Gospel, even as if the one were measured out by the other, with a line, or rod, as *Moses* measured the Tabernacle, and as if God had said as he did unto *Moses*, *See that thou make it in all things like the pattern I have shewed thee*, Exod. 25. 40. the last. We will therefore stay a while upon it, and consider the action, the time, the place, the persons, and some other circumstances. The action, as having nothing in it belonging to the *Leviticall* Law, and therefore a plain direction unto us how to demean our selves under the Gospel. The time, as performed before the Law was given, namely, about 300. years after the flood, both according to the rites of

In the Hebrew text it is indefinite which of them gave tiths to other; therefore the *Iews* say *Melchisedek* gave it to *Abraham*, but the holy Ghost in the 7. to the *Hebrews* explaineth it, that *Abraham* gave them to *Melchisedek*.

*Codomannus* saith in the year 293. some other count it above 370.

that time, and to be president for the time to come after the Law abolished. The places where this action was performed, *Hebron*, *Dan*, and *Salem*; *Hebron*, a place in *Judah* where *Abraham* dwelt afterward, one of the *Levitical* Cities, from whence *Abraham* departed, when he went into this expedition. *Dan*, the uttermost limit of the holy land, whither *Abraham* pursued his enemies, and there slew and chased them. *Salem*, the place where *Melchisedek* was King, which by reason of *Josephus* his mistaking it, is commonly taken to be *Jerusalem*, but erroneously, as *Jerome* and *Lyra* explain it: for Saint *Hierome* out of the ancient *Rabbins* sheweth it to be a Town neer so called in his time, and men then shewing the ruines of *Melchisedeks* Palace in great magnificence. S. *John* also doth witnesse it to be *Enon*, a known Town in *Jeromes* time neer *Jordan*, where the spring was that *John Baptist* baptized in: *John* also (saith he) baptized at *Elim*, besides *Salem*, because there was much water there: So that the first door that was opened into the Kingdome of heaven by the preaching of the Gospel, the first administration of the Sacrament of Baptisme, as S. *John* here reporteth it, was within the territories of the Kingdome of *Salem*, that is, by interpretation, the Kingdome of peace and righteousnesse, which Baptisme bringeth by washing away originall sin.

*Melchised. Dei sacerdos, Solymorum quam civitatem postea Hierosolymam vocarunt. Ios. Antiq. l. 1. c. 18. Hieron. in Ep. ad Euagr. et in loc. Heb. Lyra in Gen. 33.*

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alledgeth it as shewing by this means he shall bee the better enabled to perform those debts and duties that he oweth unto God, and will therefore doe it the more readily.

The actions and answers of the Sages are in all Laws a law to their posterity. *Iustinian* the Emperour doth therefore make them a part of the Civill Law. The common Lawyers doe so alledge them, and the Law of the holy Church hath always so received & allowed them. And though Saint *Augustine* saith, that the examples of the righteous are not set forth unto us, that thereby we should be justified; yet he addeth further, that they are set forth to the end that we by imitating them may know our selves to be justified by him that justifieth them. Why then should we now call tithes in question, since we find them to be paid and confirmed by two such great Sages and Patriarchs, *Abraham* & *Iacob*? Yea, their payment practised generally by all the Nations of the world for 3000. years at least, never abrogated by any Law, but confirmed also by all the Fathers and Doctors of the Church; and not impugned by a single Author, as far as I can find during all the time I speak of?

*Non ideo nobis proponi exempla justorum, ut ab eis justificemur; sed ut eos imitantes, ab eorum justificatore nos quoque justificari sciamus.* Aug. lib. de Catechisand. rudibus. Tom. 4. f. 218.

Well; It will be said, that all this is nothing, if the Word of God commandeth it not; for every thing must be weighed and valued by the shekel of the Sanctuary, *Lev.* 27. 25. They may by the same reason take away our Churches, for I finde not in all the Bible any Text wherein it is commanded that we should build us Churches: neither did the Christians either in the Apostles time, nor 100. yeares after, build themselves Churches like these of ours, but contented themselves at first to meet in houses, which thereupon were called

*Perkins dem. Problem. 9.*

led *ædes sacra*. And to shew that they were commanded by the *Levitical* Law, will not serve our turn, for it will be said, the Statute of repeal, even the two words spoken by our Saviour upon the Crosse, *Consummatum est*, *Iohn* 19.30. clearly abrogated that Law: but it is to be well examined, how far this repeal extendeth: for though the letter of it be taken away, yet the spirituall sense thereof remaineth; for *Ierome* saith, that almost every syllable thereof breatheth forth an heavenly sacrament. Saint *Augustine* saith, the Christians doe keep it spiritually, so that if tithe be not given in the tenth, according to the *Leviticall* Institution, yet the spirituall meaning of providing for the Clergy our *Levites* remaineth. But with the precepts of the *Leviticall* and *Ceremoniall* Laws divers rules of the *Morall* Law are also mingled: as the Laws against Witches, Userers, Oppressors, &c. the Laws that command us to lend to our brother without interest, and to sanctifie the Sabbath; for though the Institution of the Sabbath be changed, yet the spirituall observation remaineth, and that not onely in the manner of sanctifying it, but as touching the time also, even the seventh day. Notwithstanding I find not, that the Apostles commanded us to change it, but because they did change it, we take their practice to be as a Law unto us: yet though they changed the time, they altered not the number, that is, the seventh day. I will then reason that God hath as good right to our goods of the world, as to the days of our life: and that a part of them belong unto him, as well as the other. And the action of *Abraham* and *Jacob* may as well be a precedent to us for the one, (in what proportion we are to render them) as that of the Apostles in the other; for both

*Singulæ paene syllabæ, &c. spirant cœlestia sacramenta. Tom. 3. Paulino Epist.*

Not to reap every corner of our field, nor to gather our fruit clean; not to keep the pledge that belongeth to the person of our brother.

both of them were out of the Law; the one after it, the other before it: And why may not the limitation of the day appointed to the Lord for his Sabbath be altered and changed, as well as the portion appointed to him for the tenth? You will say, the seventh day was not due to him by the law of nature, for then *Abraham* and the Fathers should have kept it before the Law given, but it held the fittest analogy to that naturall duty, that we owe to the service of God; and therefore when that portion of time was once particularly chosen by God for his service, by reason himself had commanded it under the Law, the Apostles, after the Law was abolished, retained it in the Gospel: And so since the number of the tenth was both given to God before the Law, and required by him in the time of the Law, being also most consonant to all other respects, great reason it is to hold it in the age of the Gospel. Yet with this difference, that in the old Law the Sabbath was the last part of the seven days, and in the Gospel it is the first, because our Saviour rose from the dead the first day of the week, and not the seventh.

God is our Lord, and we owe him both rent and service: our service is appointed to bee due every seventh day, our rent to be the tenth part of our encrease. He dealeth not like the hard Landlords, that will have their rent though their Tenants bee losers by their Land, but he requireth nothing save out of their gain, and but the tenth part thereof onely. These two retributions of rendring him the seventh day of our life, and the tenth part of our goods, are a plain demonstration to us, of our spirituall and temporall duty towards God. Spiritually, in keeping the Sabbath; and temporally, in payment of tithes, that is, in providing for

for his Ministery, and them in necessity; the one being the image of our faith, the other of our works: for seven is the number of spirituall sanctification, ten the number of legall justification. Therefore to pay all the nine parts was nothing, if we failed in the tenth; for the tenth is the number of perfection, and therefore required above all other as the type of legall justification. And as our faith is nothing without works, so neither is the Sabbath without tithes: for they that minister to us the spirituall blessings of the Sabbath, must receive from us the temporall gratuities of Tithing.

## CAP. XXVI.

*That they are due by the Law of Nations.*

THe Law of Nations is that which groundeth it self upon such manifest rules of reason, as all the Nations of the world perceive them to be just, and do therefore admit them as effectually by the instinct of nature as if they had been concluded of by an universall Parliament. Therefore in truth, this is no other, but that which the Philosophers call the law of Nature; Oratours, the law of Reason; Divines, the *Morall* law; and *Civilians*, the Law of Nations. As far then as Tithe is due by one of these, so far likewise it is due by all the rest: and consequently the reasons that prove it in the one, doe in like manner prove it in all the other. I will not therefore insist here upon arguments, but remit you to that hath been formerly said touching the law of Nature, and demonstrate unto you by the practice of all Nations, what the resolution of the world hath been herein through all ages.

So

So ancient it is among the Heathens, that good Divines are of opinion, that *Abraham* took example thereof from the Heathen; but others with more reason conceive it to be practised even by the children of *Adam* as well as sacrificing and the offering of first-fruits, as by the opinion of *Hugo Cardinalis* I have shewed in another place.

Besides, I find not any mention of Tithe paid by the *Gentiles*, before the time of *Dionysius* commonly called *Bacchus*, who having conquered the *Indians* sent a Present of the spoil *Magno Jovi*, as *Ovid* witnesseth; and this was about 600. after that *Abraham* tithed to *Melchisedek*.

*Cyrus* having collected a great sum of mony amongst his captives, caused it to be divided, & delivered the tithe thereof to the *Prætors*, to be consecrated to *Apollo*, and *Diana* of *Ephesus*, as he had vowed. *Xenophon in Cyro. l.* 5.

*Alexander* the great having conquered the Countries of sweet odours and frankincense sent a whole ship-loading thereof to *Leonides* in *Greece*, that he might burn it bountifully unto the Gods. *Plin. li.* 12. *c.* 24.

*Posthumius* having overthrown the Latines, paid the tithes of the spoil, as before he had vowed. *Dionys. Halicar. li.* 6. *Livius.*

*Largissime nimis.*

*Nebuchodonosor* did the like (too bountifully as *Josephus* reporteth it) to the Temple of *Belus*. *Ant. l.* 10. *C.* 13.

*Rhodopis* a *Thracian* woman, before the time of *Cyrus*, gave the tenth part of all her goods unto *Delphos*. *Herodot. Euterpe, pag.* 139.

The *Crotoniati* warring upon the *Locrenses*, vowed the tenth part of the spoil to *Apollo*: but the *Locrians*, to exceed them in their vow, vowed the ninth part. *Alex. ab Alex.* 165.

*Agis* King of *Lacedamon* went to *Delphos*, and there offered

offered his Tithe unto God. *Xenophon de rebus gestis Græ. li. 3.*

*Agesilaus* conquered so much of his enemies Country, that in two years he dedicated above an hundred talents to God for the Tithe. *Xenoph. de Agesil. laud.*

The *Liparians* having overcome the *Hetruscians* in many sea battails, sent the Tithe of the spoil to *Delphos. Diodor.* 292. *l.*40. ἐξεκλογὴν δεκάτας.

The custome of the ancient *Gauls* (and so likewise, no doubt, of our *Brittish* Ancestors) was to give all (in effect) that they got by the wars unto their gods, as *Cæsar* witnesseth, and to sacrifice the cattell so taken. *De Bell. Gal. lib.* 6. 132.

And this use of Tithing the spoile obtained in war was every where so ordinary, that *Cræsus* the King of *Lydia* being overcome by *Cyrus*, and taken into mercy told him, as advising him for his good, that he must of necessity render the Tithe of the spoil unto *Jove*, and that he should therefore set a guard at every gate of the City to prevent the soldiers from embezling of it. *Herodot. in Clio. li.* 1. *p.* 36.

I reckon up these particulars the more willingly to beget shame and remorse, if it were possible, in the soldiers of our time, that having been exceedingly enriched in this kind, have not I fear remembred God, with so much as *Cræsus* did, when he sent no more but his iron shackles to *Delphos. Herodot. ib. fo.* 37. Yet God had 7000. servants that *Elias* knew not of, and therefore I will not judge them.

As Military men abounded thus with devotion, so those of peaceable professions came not behinde them; for *Festus* witnesseth, *lib.* 4. *p.*213. *l.* 67. That they of the old world offered every tenth thing unto God; and

*Varro* in his Book, *De re Rustica*, adviseth every man to pay his Tithes diligently of the fruits of his ground.

Therefore because the *Sicilians* were more happy in corn, then other Nations, they exceeded all other in thankfulnesse to *Ceres*, as appeareth by *Diodor. Sic.* 288. *in pede, &c.*

And for that the *Athenians* were next in that felicity, they did the like, and instituted further in her honour, *initia Eleusina, i.* the feast of the first-fruits, which for the great antiquity and holinesse thereof were, as *Diodorus* reporteth, celebrated of all the people of the world.

*Pliny* saith, the *Arabians* tithed their frankincense to their god *Sabin*, not by weight, (as sparingly) but by measure, as a more bountifull manner. *Lib.* 12. *ca.* 24. *pag.* 184. *L.* 57.

The *Æthiopians* cut not their cinnamon, but with prayers made first to their gods, and a sacrifice of 44. Goats & Rams: and then the Priest dividing the cinnamon, took that part belonging to their god, and left them the rest to make merchandise of. *Plin. l.* 12. *ca.* 19. *fol.* 286. *in pede.*

The *Siphnians* sent at one time so great a Tithe out of their silver and gold mines to *Delphos*, as the richest man of that age was not more worth. *Herodot. Thalia, lib.* 3. *fol.* 180.

*Neque Herculi quisquam decumam vovit unquam si sapiens factus esset. Cic. de Nat. Deor.*

The *Romans*, and generally all Nations, paid the Tithe of their fruits to *Hercules*, and they held it the happyest thing to vow the payment of them faithfully: and they thought that the cause that *Lucullus* abounded so much above other in wealth was, that he paid his Tithe so faithfully. *Alex. ab Alex. lib.* 3. 165.

As

As they paid their Tithes out of the fruits of the earth, so did they likewise out of their privy gains and industry.

*Herodotus* writeth, that the *Samians* (a small people) yeelded at one time six talents for the Tithe of their grain gotten by merchanchise. *Melpom. li. 4. 267.*

And that nothing might goe untithed, the Ancients paid a Tithe of the very beasts killed in hunting, namely, the skins thereof to *Diana.*

*Et penet in Trivia.*——
——*Dives prada tamen accipit omni*
*Exuvias Diana tholo.* —— Papin.

So *Hesodius* offered the tripod he won at *Amphidamas* game, as the prize of Poetry, and upon the altar of the Muses.

## Additions to the 26. Chapter of the Law of Nations.

*These Laws of the Heathens are but few of many more that might have been collected, If any Reader therefore desire to be further satisfied touching the practice and customs of the* Gentiles, *in payment of tithes, he may abundanly receive content from M.* Selden *in his History, cap. 3. and* Mountague *in his* Diatrib. cap. 3. *out of both some collections are here added.*

*Some perhaps will say, it is lesse materiall to consider their doings, seeing we Christians have the light of* Israel *to direct us, and the assured Word of God to our guide; as for the customes of the* Gentiles, *they might in many things imitate Gods own people, but we may have recourse to the fountain of all truth, to Him, who is the way, the truth, and the light.*

*It is true, but God himself hath been often pleased to upbraid and provoke his own people, by the example of a foolish and ignorant people, and to call heaven and earth to witnesse against his own, when they have been obstinate and perverse in their ways. And our Saviour saith, that the men of* Ninive *shall rise up in judgement, and also the Queen of* Sheba, *against them who neglected so great means of salvation and instruction, as the people enjoyed, when he and his Disciples preached to them; and that it shall be more tolerable for* Sodome *and* Gomorrah *at the last day, then for* Chorazin *and* Bethsaida, *who heard his doctrine and saw his works.*

*So doubtlesse we Christians in this last age, in this light of learning and sun-shine of the Gospel, may learn by the examples of the very Heathens, who were so precisely observant both of the quantity, the tenth, and of the quality, in giving the best of the encrease, which must needs proceed out of some secret inclination unto that practice, whereof (as in many other remains of naturall notions) they knew no reason, but were secretly inclined thereto, by that Providence which disposeth all things,* οὐ καὶ κελεῦ, *or at least, from long continued practice and traditions, as they had many, taken from divine instruction at the first, though whence they had them they could not tell; not utterly abolished and obliterated in the darknesse of Pagan errors.*

Paulus Diaconus, *in his abridgement of* Festus, *doth witnesse the generall practice of the* Gentiles: Decima quæque veteres diis suis offerebant.

Diodorus Siculus, lib. 4. *saith, That* Hercules *being very well pleased with the kindnesse of the Inhabitants of* Palatium, *foretold them, that after his Canonication those that would consecrate the tenth part of their substance unto* Hercules, *should be very fortunate and prosperous in the whole*

*whole course of their life: which continued, saith* Diodorus, *a custome unto my time; and he lived in the days of* Julius Cæsar. *And prosecuting the point, doth instance in* Lucullus, *and other wealthy Romans, saying, Many Romans accordingly; not onely such as were of very mean estates, but also many of the richest sort have made these vows unto* Hercules, *to give him the tenth of all: and they becomming afterward very wealthy, have accordingly given unto him the tenth, their state amounting to* M. M. M.M. *Talents.* L. Lucullus, *well-nigh the wealthiest Romane of his time, making an estimate of all that he was worth, gave the tenth in oblation unto this Deity: which tenth he laid out upon many and sumptuous feastings to his honour, gifts to his Temples, and the like.*

*And these* Herculean Tenths *were,* Therumatus, *of a fair eye, given with a liberall and plentifull hand, as appeareth by that which* Sylla, Lucullus, *and* Crassus *did: So* Plautus *useth,* obsonare pollucibiliter, *to riot it, and fare as they doe that sacrifice unto* Hercules; *and* quæstus Herculeus, *exceeding great gains: which is a most sure proof how prodigally liberall these Pagans were in paying their tithes of their never so great wealth unto their poppet gods, having never heard of the* reward of the righteous, nor happinesse in heaven, *laid up for all those that so honour God. And to this doth* Tertullian *allude, speaking of the prodigality of the* Gentiles *in such Feasts.* Herculanarum decimarum & polluctorum sumptus tabularii supputabunt. *Which ready forwardnesse of theirs, shall one day rise up in judgement, and cause it to be easier in the day of vengeance for those Pagans that knew not God, then it will be for many millions of Christians, that are both witty and couragious to withhold from God his due, and defraud him of that which in his name,* Apologet. c. 39.

*and for his right sake was given unto those that intruded on his place, as an* annexum *thereto amongst the Pagans.*

ῥωμ. ἀρχαιολογ. α

Halicarnasseus *reporteth, that the* Pelasgi *in a dearth and great scarcity of all things, vowed, upon plenty sent unto them, to give the tenth of all that God should send unto them, unto* Jupiter, Apollo, *and the* Cabiri, *or the* Samothracian *Deities: intending that this misery and scarcity came unto them for their former neglect and contempt of that part of piety. Vpon this vow of amendment, they had their desire; plenty was sent them, and then, setting aside the dedicate portion, the tenth of all their encrease of their grounds, and of their cattell, they offered it unto those gods.*

*The perpetuall use and practise amongst the Romans appeareth by* Trebatius, *who wrote (saith* Macrobius) de religionibus, *of the religious rites and ceremonies of the Pagans.* Trebatius *in that Book, as* Arnobius *telleth us, declareth a custome yearly with the Romans; That the encrease of their Vintage was by solemn words and formalities set apart from ordinary and common use: for untill that ceremony so performed, whereby God did as it were give possession unto men, He as the giver of all things, and so of that naturall encrease, had in their opinion (and this is a most remarkable passage for the right of Tithes, as they opined) right unto, and interest in all. Nor was it lawfull among them for any man whatsoever, to use his own as his own, though it grew upon his own ground, was manured, tilled, sowed, set, preserved at his cost, with his labour and diligence, untill God had given him leave to doe it, being supplicated and sollicited thereunto by this formall ceremony. This is the summe of* Trebatius *discourse in* Arnobius.

Lib. 3. Satur. 5.

*This is that which may shame and confound all Christians,*

*stians, that acknowledge no such right God hath, nor will be induced to professe it so: this will rise up in judgement against all maligners at, and detainers of the Churches portion in Tithes, Gods right, our inheritance, by better conveyance then Muncipall Laws can afford any.* Cato de re rustica, *ca.*132. *hath the practice and the form.*

Jupiter dapalis, quod tibi fieri oportet (*mark the word* oportet, *a matter of necessity, not of voluntary devotion*) in domo, familia mea, culignam vini Dapi ejus rei ergo. macte hac illace dape pollucenda esto. *then*, manus interluito, vinum sumito. *He that performed this ceremony, was to doe so, and then to say*, Jupiter dapalis, macte istace Dape pollucenda esto: macte vino inferio esto.

*Hujus rei cura non levis in Latio—nam flamen Dialis auspicatus vindemiam, et ut vinum legere jussit agna Iovi facit. Varro.*

*Nor did they thus appropriatly use this ceremony unto only* Jupiter, *but unto what Deity soever they did*, acceptum referre *their encrease.*

Quoties aut thus, aut vinum super victimam fundebatur (*saith* Servius) dicebant; Mactus est Taurus vino, vel thure: hoc est, cumulata est hostia; magis aucta est hostia. *And* Cato *hath the same form of words concerning other sacrifices besides this*, cap.130.141.134. Arnobius *in zeal to Christian religion, derideth and scoffeth at this Pagan use and ceremony; but because they did not*, recte offerre, *doe it to the true God: not because they did not*, rite dividere, *doe that which was not to be done: not the thing done, but done unto* Jupiter, *and unto Idols, not to the true God of heaven and earth, was blamed. Withall he giveth us to understand, That this erroneous act of theirs, had beginning from a true ground: That*, The earth is the Lords and all that therein is; *that*, He hath given it to the sons of men; *that it is*, He that openeth his hand, and filleth all things living with plenteousnesse;

*In 9. Æneid.*

nesse; *that tithes and first-fruits are given unto God, to recognize his supream dominion over all: his admirable goodnesse in giving us whatsoever we possesse: and that by giving of them back unto him, as it were a certain quit-rent unto the Lord* Paramount, *thereby we doe, and not otherwise, a quire unto our selves a right unto the Remains, with an interest therein, and not otherwise, to use them unto our own behoof; which if we doe not, we are but Vsurpers and Intruders. For all the world, as the* Jewes *did, who might not, durst not meddle with the encrease, untill they had paid God his due, and thereby purchased liberty to use their own. Thus the* Gentiles *who had not the Law, by direction and light of nature though so much obscured, yet did the things of the Law.*

*Concerning the* Siphnians *(whereof mention is made already) it is further to be remembred, what* Pausanias *expresly relateth of them: who saith*, when covetousnesse made them leave paying that tribute of Tithes, the sea brake in upon them and swallowed up their mines; *a just vengeance upon detainers of Divine right, by dishonouring of God to lose all. So long as yearely they paid Tithe of the encrease, so long it was well with them: so soon as they defrauded God of his right, God turned them in justice and vengeance out of all.*

*In Phoc.*

Aristotle *reports, that* Cypselus had a speciall regard to the tenth, as competent to a Deity, when he vowed all the goods of the Citizens, if he could get *Corinth.* Aristotle *was the great dictator of learning, in whom God would remonstrate what he could doe in meer Nature, without supernaturall endowments of grace; he speaks directly*, That the tenth part is competent to a Deity, *and that*, He vowed all the goods; *but because this vow implyed an absurdity, unlesse he meant, which he did not intend*

*Oeconom. 2.*

*intend to ruine the City, he was fain to have recourse unto the ordinary use of Tithing: but so, that the Tithe* decies repetita, *should answer the proportion of his vow:* Τὸ δέκατον μέρος παρ' ἑκάστου ἔλαβε, *having made a rate and cessement of every mans goods and state, he took the tenth part, for that yeer; and so the next for ten years together, leaving them nine parts to trade with and live upon. Every one did not so, but every Conquerour that would not be unthankfull gave the tenth,* ἵνα φέροι, ὡς χαριστήριον, *unto God; with us daily, men are not thankfull as they ought; yet they should be gratefull.*

Agesilaus, *whiles he warred in* Asia *and had the spoil of that wealthy Country, made such havock upon the enemy, that within the compasse of two years, he sent more then one hundred talents, tithes, unto* Delphos, *which proveth an ordinary* Spartane *use and custome at least.* Xenophon.

*The same* Agesilaus *having vanquished the* Thebans, *and their associates, in a great battail at* Coronæa, *though having received many wounds in the fight,* ὅμως οὐκ ἐπιλάθετο τοῦ θεοῦ, *forgat not God, saith* Xenophon, *nor to be thankfull unto God.* Xen. Hellen. l. 4.

*That Retrait which* Xenophon *made with his ten thousand men out of upper* Asia, *is the most remarkable piece of service one of them in all Antiquity. In this hazard,* Xenophon, *as himself relateth it, gave* decimam spoliorum, *partly unto* Apollo, *partly unto* Diana *of the* Ephesians.

*The tenth being separated for these two Deities, was by generall consent committed unto the Captains to be dedicated. That for* Apollo *was laid up at* Delphos *in the* Athenian *Treasury* (for most Nations *of* Greece *had a severall one there.*) *But with that other part,* Diana's *part,* Xenophon *purchased a piece of ground, and built there*

*a Temple, and an Altar, and appointed the tenth of the yearly encrease for ever unto that service. This is a passage very considerable, there being not such an expresse and observable example in all Antiquity for Tithe in this kinde with an endowment of a Church with lands. Sacred is that land unto* Diana; *whosoever possesseth or occupieth the ground, must every year consecrate the tenth unto the service of* Diana, *and employ the rest upon the fabrique and upholding of the Temple. Tithes of spoiles commonly paid amongst the* Græcians, *but not accustomed in this sort to be employed. A generall sacred Revenue appropriated to a speciall end; where besides the profits and Revenues of this land tithed, what was purchased with the tithe at first, unto* Diana, *as president of the trade, and the chiefest ranger amongst Pagans, Tithe of Venison and Game is said in the same place to have been paid.*

Pag. 259. Diodorus Siculus *in his eleventh Book hath three severall instances, for tithing spoils of warre; the first of* Pausanias, *and the* Græcians, *that having vanquished the* Persians, *and slaine* Mardonius *in the field:* Set apart the tenth of the spoils, and therewith caused a *tripos* of gold to be made, which they dedicated at *Delphos*; *no vow preceding, nor other intimation being, but as done out of duty and ordinary profession of thankfulnesse.*

Pag. 270. *Another of* Cimon *the* Athenian *Generall, who remaining victor at the battail upon the River* Eurymedon, *as* Pausanias *had done, so did he, set out the tenth of the spoiles, as Gods part, sacred and dedicated unto him, to God in generall, not naming* Apollo, *or any else.*

Pag. 276. *In a third place, the* Argivi *having made the* Mycenians *their slaves and captives, consecrated the tithes of all they took to God, and utterly rased the Town* Mycenæ.

Porphyrie *declareth, that first-fruits were given unto God,*

*God, (and what is said of first-fruits must be granted of tithes) out of devotion by the Pagans, of all things usefull to the life of man: as of corn, honey, wine, oyl, cakes, and what not? Those that gave nothing by way of thankfulnesse, out of their encrease and store, were called* ἄθεοι, *irreligious-people; not serving God, without piety: who never escaped punishment for their Atheisme.* The *Thoes* a people confining upon *Thracia*, that never used to give God first-fruits of any thing which they enjoyed, nor offered any thing at all unto the Deity, were utterly destroyed out of the earth. *The reason is well given by that prophane* Porphyrie, *why men give tithe, first-fruits, sacrifice, and the like, out of the secrets of Christian mysteries,* Καὶ γὰρ πάντα τῶν θεῶν ἐστι, ἡμῶν δὲ δοκεῖν οἱ χρηστοί, *for all that we have or enjoy is Gods, though the use or enjoying thereof seemeth to be ours, which reason being eternall, and undenyable in nature, professed and acknowledged by Naturalists, without light of grace, none can doubt, but that the practice in being was out of that perswasion, and so of duty, and necessary tye, which none but* ἄδικοι, *and* ἄθεοι, *as* Pophyrie *calleth them, did neglect: and for contempt whereof, even in opinion of* Pagan *Antiquity, exemplary punishment was inflicted on that people.* No men, nor City, nor stone remained, and their memoriall perished from off the earth, *saith* Porphyrie.

Lib. 2. Περὶ ἀποχῆς ἐμψυχων.

*The learned Greek Grammarians doe testifie and expound, the custome of tithing by the* Græcians, *as* Valerius Harpocration *saith:* τὰ γὰρ ἐκ τῶν πολεμίων ληφθέντα ἐδεκάτευον τοῖς θεοῖς, for they tithe all the spoils gotten of the enemy unto the gods. *And long before* Harpocration, *the learned Grammarian* Didymus *for his indefesse reading and writing, surnamed* χαλκέντερος, Ironside, *or heart of Oak, saith, as he is cited by* Harpocration, *that properly and primarily,*

*marily*, δεκατεύειν, *to pay the Tithe, was* καθιερῶν *to sanctifie, dedicate, or consecrate unto divine service*, ἐπειδὴ ἔθος ἦν Ἑλληνικὸν τὰς δεκάτας τῶν παραγινομένων τοῖς θεοῖς καθιερῶν, In as much as it was a generall custome amongst all the *Græcians* to give the tenth of any their encrease unto the gods. *These two learned Grammarians did know what was the ancient use among the* Græcians, *better then any man now: because they did only* hoc agere, *having no other profession to distract their studies: and especially because both of them had, especially* Didymus, *these helps in their dayes, which none can attain now unto; the Authors being lost, whom they saw and perused, whereby they might learn the* Græcian *customes more particularly.*

*Besides the practice of the* Romans *and* Græcians, *other barbarous Nations did observe the Law of Tithing: For in the remains of naturall understanding & notions, the* Barbarians *had a part as wel, & often a greater part then the* Græcians *or* Romans *more civillized Nations had; and commonly the ancientest customes are to be found amongst the* Barbarians, *and not among the* Græcians, *nor* Romans, *as common experience observeth. The* Carthaginians *sent the Tithes of their* Sicilian *spoils unto* Hercules *at* Tyre, *for* Hercules *was the chief Patron and Protector of* Tyre, *and the* Carthaginians *were a* Tyrian *Colony. Nor did they send their Tithe once, or sometime, or as they would, out of arbitrary devotion, but of ancient and ordinary custome, as* Diodorus Siculus *reporteth; which growing into disuse, through negligence and disregard in long tract of time, many dysasters in war, and other crosses in affairs of State befell them. And thereupon to reconcile themselves, and appease* Hercules, *they renued again the forgotten custome, and sent thither not only the Tithe of the spoils, but of all things encreasing and renuing yearly. Thus much is reported by* Diodo-

Diodorus, *where he relateth into what straits the* Carthaginians *were driven, and into how many hard assays, by* Agathocles *the* Scicilian. *It is a memorable place for such piety; therefore it shall be here recited.*

*The* Carthaginians *supposing that these losses and dysasters were sent unto them of God, betooke themselves to all manner supplication and devotion; and for so much as they supposed* Hercules *especially to be angry with them, who was chiefly worshipped at* Tyrus, *from whence originally they were extracted, they sent exceeding great presents and rich gifts thither. Being thence descended they were accustomed in former times to send unto* Tyre *the tenth for* Hercules, *of all their Revenues and encrease, any way renuing, issuing or growing; but becomming in processe of time very wealthy, and having exceeding great commings in, they sent very seldome their Tithe, and that but small and refuse, unto* Tyre, *in neglect and disregard of the Deity. But upon this great losse, comming home to themselves, and repenting of their irreligion, they became mindfull of the Gods, all that were worshipped at* Tyre, *and sent unto them the tenth.*

*Altogether as we use to serve God.* Phryx plagis. *Israel when God smote them, then they repented, returned, and honoured him: but when he turned his hand, they turned their hearts. So the* Carthaginians *being plagued first, returned unto their former custome, (an ancient custome beyond the memory of man, and yearly, not sometime) and gave willingly in abundance their tenth part of all their commings in: not so much but of their children they gave the tenth, for they used to sacrifice them unto* Saturn, *as* Israel *did in the Valley of* Hinnom. *Old Father* Ennius *remembreth this custome,* Pœni sos solitei sont sacrificare puellos: *which custome seeing it remained unto* Tiberius

rius Cæsars *time, it is not likely they disused the other tenths.*

*In like manner* Gelo *the* Sicilian *having vanquished the* Carthaginians *in a most memorable battell, and slaine of them in the field an hundred and fifty thousand men, the greatest blow for massacre of men, that they at any time received in any battel:* Gelo *having atchieved this, he reserved severall and apart the best and principall of the spoils (which cannot well be denied to be a tenth) meaning to adorn and honour the Temple at* Syracuse: *of the remains he reserved another portion* (without all doubt in quantity another tenth) *which he dedicated in the principall Churches of* Himera; *the residue, after God had been served, he parted among his soldiers and confederates.*

*Thus it appeareth what the custome of Tithing was among the Heathens, which doubtlesse they learned as many other things, from the people of God; as the ancient Fathers have observed touching many passages of practice in holy writ: there especially, when they intreat,* de Græcorum furtis. *So the names of Deities, and other particular usages, they received from the* Hebrews, *(though with much difference and variety, both as comming farre, and not well apprehended, or understood in the carriage and delivery) so also it is very probable, that of them the* Syrians, Phœnicians, *and* Egyptians, *first learned to give the tenth unto God, and other holy usages, and then more remote Nations afterward: which might well admit in passing up and down, and in long continuance, much variety, and not fully in every point answer the prototype, or originall.*

*But from whence soever they received their first direction, for custome and practice they most part went beyond*

*Gods*

*Gods own people: which though it be strange, yet so it is, that in zeal unto piety and the service of God, not onely* Samaria *hath exceeded* Jerusalem, *but even* Babylon *put down* Sion. *And so* Theodoret *complaineth, that the heathens did give their tenths and first-fruits, to be employed in their idolatrous service, to the maintenance of their Temples, Oratories, Priests, and Altars, in more liberall manner then Christians: but saith he,* ταύτης δὲ τῆς τιμῆς οἱ τοῦ θεοῦ τοῦ ζῶντος, οὐκ ἀπολαύουσιν, ἱερεῖς. Such honour (*saith he, speaking of the care taken for the* Egyptian *Priests,* Gen. 47.) the Priests of the living God, and Ministers of our Redeemer Christ Jesus have not with us. *And much lesse have they in these days, especially with us, who boast to have reformed things amisse. For yet, amongst those of the Church of* Rome, *it is otherwise, that think nothing too dear for their Jesuites; and have their Priests in so great respect, that they fall down on their knees and desire their blessing every morning: but,*

Nuper Tarpeio quæ sedit culmine cornix,
Est bene, non potuit dicere, dixit, erit.

*M.* Selden *saith, that the Turks pay the tenth according to the* Mosaicall *Law, which they receive as authentique, but keep it according to* Mahomets *fancy, and the doctrine of his* Canonists.

*M.* Blunt *an accurate observer in his travails affirmeth, that the Turks in their principall Cities have very stately* Moskeetoes (i. *Churches*) *of magnificent building, accommodated with goodly Colledges for the Priests lodgings, and Bathes, equall to the Monasteries of any City in Christendome.*

Ælian *relateth* (*as M.* Selden *citeth him*) *that some kinde of beasts in* Africa, *always divided their spoile into eleven parts, but would eat onely the tenne, leaving the*

*the eleventh as a kinde of first-fruits or Tithe: and why may not beasts of the field teach men the practice of piety? seeing man that is without understanding is compared to them.*

*Thus Jews, Pagans, Turks, and some beasts have had a care to pay Tithes, but many Christians in these times come farre short in their duties, and may bee upbraided with these examples: Which are here more largely insisted on, to shew the impiety of many men in these last days, who are more inexcusable, then ever any people were, because we have the rules and practice of all ages set before us for our direction; as before the Law of* Moses, *in* Abraham *and* Jacob: *and likewise under the Law, during the Priesthood of* Aaron: *and since under the Gospel abundant light to guide us: besides all the Records, Histories, and Monuments of Gods judgements in former times to instruct us. All which (saith the Apostle,* 1 Cor. 10.) *are written and recorded* for our admonition, upon whom the ends of the world are come. *If we therefore offend now, we are greater sinners then any former people, as sinning against conscience, knowledge, and examples of all ages; and like to the servant, that knew his Masters will, but did it not, who therefore must be beaten with many stripes.*

CAP.

## CAP. XXVII.

### *That they are due by the Law of the Land.*

AS they are due by the law of Nature, and of Nations, by the Law of God, and of the Church: so are they likewise due by the very Temporall Laws of the Land, as well ancient as later; therefore *Edward* the elder, and *Guthrun*, *Saxon* and *Danish* Kings, punished the not payment of Tithes by their temporall Constitutions. *Lambard.* ἀρχαῖον, *pag.* 54. *Tom.* 1. *Concil. Britan. pag.* 392.

King *Athelstan* about the year of our Lord 924. not onely decreed them to be paid, by himself, his Bishops, Aldermen, and Officers, but maintaineth that his Law by the example of *Jacob*, saying, *Decimas meas, & hostiam pacificam offeram tibi*; and by other effectuall Authorities: providing precisely, that his owne Tithes should diligently be paid, and appointing a time certain for doing thereof, *viz.* the feast of the decollation of S. *John Baptist.* ἀρχαῖον, *pa.* 57. *Tom.* 1. *Concil. p.* 402.

King *Edmund* about the year 940. in a solemn Parliament, as well of the Laity, as Spiritualty, ordained that every man upon pain of his christendome, and being accursed, should pay them truly. ἀρχαῖον, *pag.* 73. *Tom.* 1. *Concil. pag.* 420.

King *Edgar* in a great Parliament about the yeare 959. confirmed the payment of Tithes, assigning certain times when every thing should be paid, *viz.* the Tithe of all young things before *Whitsontide*, of the fruits of the earth by the harvest *æquinoctiall*, (*i.* about the 12. *Septemb.*) and of seed by *Martimas*; and this to be done under the pain mentioned in the Book of the

Lawes of the Land: whereby it appeareth that the Laws of the Land had anciently provided for the payment hereof (though the Book remaineth not to us at this day) as well as the Laws of the Church. And he further enacted, that the Sheriffe as well as the Bishop and Priest, should compell every man to pay their Tithes, and should set it forth, and deliver it, if they would not, leaving to the party offending onely the 9th part: and that the other eight parts should be divided, four to the Lord, and four to the Bishop; and that no man should herein be spared, were hee the Kings Officer, or any Gentleman whatsoever. ἀρχαῖον, *pag.* 77.

*Tom.* 1. *Concil pa.* 444.

King *Canutus*, about the yeare 1016. made the like Law, with some little enlargement, as appeareth in his Laws, *ca.* 8. and as *Malmesbury* testifieth, strictly observed all the Laws of the ancient Kings, *de gestis Regum Angl. lib.* 2. *p.* 55. And he wrote also about the 15. year of his reign from beyond the seas a long letter to all the Bishops and Nobility of *England*, conjuring them by the faith, that they ought both to himself, and to God, that they caused these Lawes touching Tithes and Rights of the Church to be duly executed, and the Tithes to be paid as abovesaid. *Malmsb. p.* 74.

*Tom. Con. pag.* 544.

But King *Edward* the Confessor, about the year 1042, made all certain; namely, that Tithe was due unto God, and should be paid, the tenth sheafe, the tenth foal, the tenth calf, the tenth cheese; where cheese was made, or the tenth days milk, where there was no cheese made; the tenth lamb, the tenth fleece, the tenth part of butter, the tenth pigge; and that they that had but a calfe or two, should pay for every of them a penny.

And

And to this price is the Parson generally holden at this day, when ten of our pennies are scarcely worth one of that time. He also ordained, that Tithe should be paid of bees, woods, meadows, waters, mils, parks, warrens, fishings, coppises, orchards and negotiations: and out of all things, saith the Law, that the Lord giveth, the tenth is to be rendred unto him that giveth the nine parts with the tenth: and bindeth the Sheriffe, as well as the Bishop, to see this executed. And all these were granted, saith the Book, by the King, Barons, and Commonalty, as appeareth in those his Laws, *cap.* 8. and *Hoveden Annal. part. poster. pag.* 602.

For the Sheriffe and Bishops were in those days, the Kings Justices in every County, and all matters were heard and decided before them.

*Long after the learned Author had written this, he published the first Tome of our English Councels, wherein not onely these Laws mentioned, are recited, but also many other Laws and Constitutions concerning Tithes, by other Kings and Parliaments of that age. It would have been an easie matter to have inserted them at large here, being there set down in order of time successively; but because I am unwilling to add any thing, or alter in the text of his discourse; and that the Tome of the Councels is obvious to every mans perusall, I will onely adde some brief references to them, as also to M.* Selden, *in the eight chap. of his History, who hath recited them all, and some more then are here mentioned. From both (these learned Lawyers) the studious Reader may be abundantly satisfied, especially when the second Tome of the Synods shall be extant, there will be full testimony of our own Laws, to confirm this truth, for* 500. *years after the Conquest, as these are for* 500. *years before it.*

Note.

*When* Gregory *the great sent* Augustine, (*about the year* 600. Chr.) *assisted with* 40. *Preachers, to publish the Gospel to our forefathers in* England, *it is testified by the*

*Laws of* Edward *the Confessor among other things, that he preached and commanded Tithes to be paid.* —— Hæc beatus Augustinus prædicavit & docuit, & hæc concessa sunt à Rege, Baronibus, & populo, sed postea instinctu diaboli multi eam detinuerunt, &c. *and all this was confirmed by the King, and his Barons, and the people.*

Tom. 1. Concil. Brit. pag. 619. § 8, 9.

Egbert *Archbishop of* York, *brother to* Eadbert *King of* Northumberland, *published Canons about the yeare* 750. (*which did binde all the Northern parts, and* Scotland *in those days*) *wherein he directeth all Ministers to instruct their people, when, and how to pay their Tithes.*

Tom. 1. Con. pa. 258. Can. 5, &c.

*About the year* 786. *in the time of* Offa, *a great King of* Mercia, *and* Helfwood, *King of* Northumberland, *and the two Archbishops, there was a great Councell held by two Legates from* Hadrian *the first, wherein Tithes were established; and it was likewise confirmed in the South part by the King of West-Saxony. And as M.* Selden *saith, it is a most observable Law, being made with great solemnity of both powers of both States.* History cap. 8. pag. 201.

Tom. 1. Con. pag. 291. Can. 17.

*In the year* 855. *King* Ethelwolph *by the consent of all his Baronage and Bishops, granted the perpetuall right of Tithes to the Church, throughout his whole kingdome, and that free from all taxes and exactions used then in the State; and this statute is very remarkable, and was confirmed by other Kings,* Brorredus, *and* Edmundus *of East-Angles.*

Tom. 1. Con. pag. 384.

*For the Northern Clergy, there was a Law made to punish the non-payment of Tithes.*

Tom. 1. Con. pag. 501.

*In*

*In a great Parliament at* Earham, *Anno* 1009. *by all the States assembled under King* Ethelred, *Tithes are commanded and confirmed.*

Tom. 1. Con. pag. 510, &c.

Maccabeus, *an ancient King of* Scotland, *confirmeth Tithes in his Laws.* Con. pag. 571. Anno 1050.

*In the Canons of* Ælfric, *Tithes are confirmed,* Anno 1052. Con. pag. 572.

*These and many other Constitutions and Laws are particularly, and more fully recited in the first Tome of our Councels, and in Mr* Seldens *History, cap.* 8. *from whence the Reader may please to take satisfaction, for the space of some* 500. *years before the Conquest.*

*William* the Conquerour in the fourth year of his reign, when he took a view of all the ancient Laws of the Land, he first confirmed the liberties of the Church, because that by it (saith *Hoveden*) the King and the kingdome have their solid foundation (*pag.* 601.) and herein amongst other Laws of King *Edward*, these particularly touching Tithes; which *Hen.* 1. also did *Anno* 1100. as appeareth by *Mat. Par. pa.* 53.

The like did also *Hen.* 2. in the 26. year of his reign, as *Hoveden* witnesseth, *pa.* 600.

And for a perclose of all that went before, or should follow after, King *Hen.* 3. in the ninth year of his reign, by that sacred Charter made in the name of himself, and his heirs for ever, granted all this anew unto God. *We have granted* (saith he) *unto God, and by this our present Charter have confirmed for us, and for our heirs for evermore, that the Church of* England *shall be free, and shall have all her holy rights inviolable.* Magna

Charta cap. 1. And that this Charter might be immortall, and like the sanctified things of the Temple, for ever inviolable, it was not onely fortified by the Kings Seal, (the sacred Anchor of the kingdome) but by his solemn oath, and the oath of his sonne, and the Nobility of the kingdome. Yea, the whole kingdome yeelded themselves to stand accursed, if they should at any time after impeach this grant. And therefore in the 25 *Ed.* 1. a speciall Statute was made for confirmation of this Charter, wherein amongst other things it is ordained, that the Bishops shall excommunicate the breakers thereof; and the very form of the sentence is there prescribed, according to which upon the 13. *Maii, Anno* 1304. *Ed.* 1. 31. *Boniface* the Archbishop of *Canterbury*, and five other Bishops solemnly denounced this curse in *Westminster* Hall, the King himself with a great part of the Nobility being present. *First, against all them that should wittingly and maliciously deprive, or spoil Churches of their rights.*

*V. Rastals Abridg. de sta'. tit. Confirmat. Sententia lata super chartas.*

*Vid. Pupil. oculi. part. 5. cap. 22.*

*Secondly, against those that by any art or devise infringed the liberties of the Church or Kingdome, granted by* Magna Charta & de Foresta.

*Thirdly, against all those that shsuld make new Statutes against the Articles of these Charters, or should keep them being made, or bring in, or keep other customes; and against the writers of those Statutes, Counsellors, and Executioners thereof, that should presume to give judgement according to them.*

And lest this should seem a passion of some particular men for the present time, rather then a perpetuall resolution of the whole kingdome in the succeeding ages, the zeal and care thereof was continually propagated from posterity to posterity. So that in 42 *Ed.* 3. *cap.* 1.

it

it was further enacted, that if any Statute were made contrary to *Magna Charta*, it should be void. And 15. times is this Charter confirmed by Parliament in *Ed.* 3. time; eight times in *Rich.* 2. reign; and six times in *Hen.* 4. Yea, the frontispice of every Parliament almost is a confirmation of the rights and priviledges of the Church; as having learned of the very Heathen Poet, who had it from the law of Nature, ἐκ Διὸς ἀρχώμεθα, we begin ever with God. Neither was there any man found, that ever would, or durst (with *Nero*) lay hands upon his Mother the Church; for he that smiteth his father or mother, shall die the death, *Exod.* 20. 15.

*Hen tot sancitas per plurima secula leges*
*Hauserit una dies! hora una! et perfidus error!*

My meaning is not to strain these Laws to the maintenance of such superstitious gifts as were made to the Church against the honour of God, but to those onely that were for maintenance of his Word and Ministery, which if they were lawfully conferred (as no man I think doubteth but they were) then let us consider how fearfull a thing it is to pull them from God, to rend them from the Church, to violate the dedications of our Fathers, the Oaths of our Ancestors, the Decrees of so many Parliaments; and finally, to throw our selves into those horrible curses, that the whole body of the kingdome hath contracted with God (as *Nehemiah* and the *Jews* did, *Nehem.* 10.) should fall upon them if they transgresse herein. For as *Levi* paid Tithes in the loins of *Abraham*, *Heb.* 7. so the lawfull vow of the fathers descendeth upon their children. And as the posterity of *Jonadab* the sonne of *Rechab* were blessed in keeping it, (*Jer.* 35 18) so doubtlesse have we just cause to fear the dint of this curse in breaking this vow.

Say

Say then, that Tithes were not originally due unto God, and that there belonged no portion of our Lands unto his Ministers, yet are we in the case of *Nehemiah* and the *Jews*, (*Nehem.* 10. 32.) *They made Statutes by themselves to give every year the third part of a shekel for the service of the house of God.* And our fathers made Laws amongst themselves to give a portion of their Land, and the tenth part of their substance, that is, these Parsonages for the service of the house of God. If they were not due before, they are now due: *For when thou vowest a vow unto the Lord thy God, thou shalt not be slack to be pay it; for the Lord thy God will surely require it of thee, and so it should be sin unto thee, Deut.* 23.20. Therefore S. *Peter* reasoning the matter with *Ananias*, telleth him, *That whilest his land remained in his hands, it appertained unto him; and when it was sold, the money was his own, Act.* 5. 4. he might have chosen whether he would give them God or not: but when his heart had vowed, his hands were tied to perform them; he vowed all, and all was due: not by the *Levitical* law, which now was ended, but by the *Morall* law which lasteth for ever; for *Job* being an Heathen man, and not a *Jew*, saith also, *Thou shalt make thy prayer unto him, and he shall hear thee, and thou shalt render him thy vows*, Job 22.27.

Eccles. also 5.3,4.

If the King give a gift of his inheritance to his son, his son shall have it; if he give it to his servant, his servant shall have it, *Ezek.* 46.16. If the King then give a gift to his Father, (that is, to God Almighty) shall not God have it? or the servant to his Master and Maker, shall not he enjoy it? Who hath power to take that from God, which was given unto him according to his Word? can the Bishops? can the Cler-

Clergy give this away? no, they are but *Vsufructuarii*; they have but the use of it; the thing it self is Gods, for the words of the grant be, *Concedimus Deo*, we give it to God, not to the Bishops. Therefore when *Valentinian* the Emperor required the Church of *Milan*, of that noble Bishop S. *Ambrose*, *O* saith he, *if any thing were required of me that were mine, as my land, my house, my gold, or my silver, whatsoever were mine, I would willingly offer it, but* (saith he) *I can take nothing from the Church, nor deliver that to others, which I my self received but to keep, and not to deliver.*

*Orat. de basilic. tradend. p. 2. 38.*

## CAP. XXVIII.

*Tithe is not meerly* Leviticall: *How it is, and how not; and wherein* Judiciall.

TIthe is not simply a *Leviticall* duty, but respectively; not the naturall childe of *Moses* Law, but the adoptive: Consider first the action, and then the end; the action, in payment of them; the end, in the employment or disposing of them: The action of payment of them cannot be said to be properly *Leviticall* for divers reasons.

First, it is much more ancient then the *Leviticall* Law, as is already declared, and cannot therefore bee said to begin by it, or to be meerly *Leviticall*.

Secondly, the manner of establishing of it in the *Leviticall* Law, seemeth rather to be an annexion of a thing formerly in use, then the creating or erecting of a new custome; for in all the *Leviticall* Law, there is no originall commandement to pay Tithe, but in the place where first it is mentioned, *Lev.* 27.30. it is positively declared to be the Lords, without any com-

mandement precedent to yeeld it to him. Some happily will affirm the commandement in the 22. *Exod. that thou shalt not keep back thy Tithe*, doth belong to the *Leviticall* Law, though it were given before the *Levites* were ascribed to the Tabernacle. Yet (if it were so) that is no fundamentall Law whereupon to ground the first erection of paying Tithe, but rather as a Law of revive, and confirmation, as of a thing formerly *in esse*: for detaining and keeping back doe apparently imply a former right, and therefore Tithe was still the Lords, *ex antiquiore jure*, and not *ex novitio præcepto*, by a precedent right, and not by a new commandement.

Thirdly, it containeth no matter of ceremony; for if it did, then must it be a type and figure of some future thing, and by the passion of our Saviour Christ bee converted from a carnall rite into some spirituall observation, (for so saith *Jerome* of the legall ceremonies) but no such thing appeareth in it, and therefore it cannot be said to be a ceremony. The whole body of the Fathers doe confirm this, who in all their works doe confidently affirm the doctrine that S. *Paul* so much beateth upon, that all legall ceremonies be abolished; and yet as many of them as speak of Tithes, doe without all controversie both conclude and teach, that still they ought to be paid, and therefore plainly not to be a ceremony.

Fourthly, the Tithing now used, is not after the manner of the *Leviticall* Law; for by the *Leviticall* Law nothing was tithed, but such things as renued and encreased out of the profits of the earth; but our manner of tiching is after that of *Abrahams*, *who gave tithe of all*. And this is a thing well to be considered,

Heb. 7. 2.

for

for therein as *Abraham* tithed to *Melchisedek* not being of the Tribe of *Levi*: so our Tithing is now to Christ being of *Melchisedeks* order, and not of the Tribe of *Levi*, but of that of *Juda*, whereunto the Tribe of *Levi* is also to pay their Tithe.

Fifthly and lastly, the end whereunto Tithe was ordained is plainly *Morall*, and that in three main points: Piety, Justice, and Gratitude. 1. Piety, as for the worship of God. 2. Justice, as for the wages and remuneration of his Ministers. 3. Gratitude, as *sacrificium laudis*, an offering of thankfulnesse for his benefits received. All which were apparent in the use of Tithes before they were assigned over to the *Levites*, both in the examples of *Abraham* and *Jacob*, and by the practice of all Nations. For God was to be worshipped before, in, and after the Law, and though the Law had never been given; but his worship could not be without Ministers, nor his Ministers without maintenance; and therefore the maintenance of his Ministers was the maintenance of his worship; and consequently the tithes applied to the one extended to both. God himself doth so expound it, *Mal.* 3.8, where he tearmeth the not-payment of Tithes to bee his spoil: and wherein his spoil, but in his worship? and how in his worship, but by taking from him, the service of his Ministers, the Priests and *Levites*, who being deprived thereof could neither perform his holy rites in matter of charge, nor give their attendance for want of maintenance?

And to encourage them in the service of God. 2 Chron. 31.4.

So that herein the children of *Israel* were not onely guilty of that great sinne committed against piety, in hindering the worship of God; but of the crying sin also committed against equity, in withholding the wa-

ges of the labourer, (his Ministers) and consequently of that monstrous and foul sin of Ingratitude, which *Jacob* in vowing of his Tithes so carefully avoided.

To come to the other point before spoken of, the disposing or employment of the Tithes after they were paid, (that is, when they were out of the power of them that paid them, and at the ordering of the *Levites* that received them) it cannot be denied; but therein were many ceremonies, as namely, in the sanctifying of them, in the eating them in the Tabernacle, the eating of them by the *Levites* onely and their family; and as they were otherwise applied to the ceremoniall habit of Gods service for that time: but yet notwithstanding, even then they still served in the main point to the *Morall* end of their originall Institution; that is, the worship of God *in genere*; the maintenance of his Ministers *in genere*; and for a token of thankfulnesse *in genere*. Against which the particular applying them to the particular form of worship, and ceremonies of the *Levitical* Law, (for that time abolished) had no repugnancy. And therefore though that manner of disposing them were *Ceremoniall*, and did vanish away with the ceremonies themselves: yet did it nothing diminish the *Morall* use, and validity of the Institution *in genere*; which notwithstanding still remained to be accepted and imitated by all posterity; and yet to be altered and changed accidentally in the particular ordering and disposing of them, as the present estate of Gods worship, and the necessity of the time should require, *viz.* before the Law, at the pleasure of them before the Law: under the Law, by the rules of the Law: and now in the time of the Gospel, as the Church of God either hath, or shall appoint them: keeping

keeping always (as I say) the *Morall* considerations of their Institution, for they may not be diverted from the Minister, though the course of Gods service be altered from that of the *Levites*, but both they and the *Levites* are labourers in the Lords Vineyard; and therefore what kind of work soever, either the one, or the other, be for the time there employed upon, the wages appointed (*Denarius in diem*, *Mat.* 20.2.) is due unto each of them.

Therefore to take away the *antithesis*, or opposition that some make between the Ministers of the Gospel, and the *Levites* and Priests of the Law; God himself in the last of *Esay*, *v.* 21. calleth the Ministers of the Gospel Priests and *Levites*, as though he had onely changed the course of their service, and not the main, or end of their Institution. *I will take of them* (*viz. of the* Gentiles) *for Priests and Levites*, that is, the generation of *Levi* shall no longer be appropriate to my service, but I will communicate their function to the *Gentiles*, and out of them will I take Priests and *Levites* to perform the service of my charge. Esay 66. 21.

God therefore brought no new thing into the *Leviticall* Law, neither changed he the nature of the former Institution thereof, nor the course of the payment, nor the quantity of the portion assigned, nor the end whereto it was; but looking generally into the equity of them all, and approving them all in the generall, (yea, though they were used by the Heathen) he descended into further particularities for order and government, whereof he prescribed divers rules, and observances, some *Morall*, some *Judiciall*, and some *Ceremoniall*, according to the fashion of his Church at that time; which like old garments being wholly

worn out with the old Law, the body whereupon they were put, remaineth still in the first shape and vigour. And whereas before the Law it seemeth to be somewhat at randome and uncertain, God by his owne mouth in the Books of *Moses*, hath established, and confirmed. So that these things considered, it cannot be said to be *Leviticall* in substance, but respectively onely, and by way of accident.

§ 1. *An Objection touching sacrifice, and first-fruits, and circumcision.*

It may be objected, that sacrifice and first-fruits were also in use under the law of Nature, and from thence, (as Tithe was) translated into the *Leviticall* Law: yet they ceased with the *Leviticall* Law, and why should not Tithe cease likewise?

Though sacrifice and first-fruits were in use under the law of Nature, and from thence (as Tithe was) translated unto the *Leviticall* Law, yet the mark they shot at, and the end whereto they were employed, being once accomplished, there was in reason no further use of them; for they were like the cloudy and fiery pillars, that directed the children of *Israel* to the land of promise, who being arrived there, needed those helps no longer, and so they vanished away, as then not necessary. But Tithe in it self and before the Institution of the *Leviticall* Law, was onely an act of justice and piety; and therefore though the *Leviticall* Law, employed it partly unto ceremonies yet the nature thereof was not thereby changed, and therefore it still lived, when the *Leviticall* Law died. Touching the whole frame of *Leviticall* ceremonies, it is like

like that of *Daniels* image: the body is decayed and gone, but the legs being partly iron, as well as clay, by which it was supported; though the clay, that is, the ceremony be abolished, yet the iron, that is, the *Morall* Institution thereof, endureth for ever.

The rites of the *Leviticall* Law were of two sorts; some the naturall children thereof, others the adoptive. I call them naturall, that sprang out of the bowels of it, as those touching the Ark, and Institution of the *Levites*. Adoptive, those that being in use before were afterward annexed to it: And of these I observe two sorts, one arising from some positive Constitutions, as that of Circumcision; (whereof I will speak anon) and the other deduced from the law of Nature, as those concerning the worship of God: whereof some were generall and necessarily incident to every form of his worship in all ages; as Ministers to perform his service, which they called Priests, and means to maintain it, which they ordained to be by Tithes. The other appropriate to the naturall condition of those times; as sacrifice, and first-fruits, which though they rose out of the law of Nature, as touching the common end of being offered by way of thanksgiving unto God; yet in that they were also types and figures, full of ceremony, they became temporall, and thereby transitory. For the children of *Adam* finding themselves in the wrath of God, and their flesh, bloud, body, and life, to be altogether corrupted and accursed by the transgression of their father; they sought by all invention possible to help it as far as nature could; and therefore both to expresse the present estate of their miserable condition, and the mark also they aimed at for redemption in time

to

to come, they held it as a neceſſary correſpondency, that fleſh ſhould be redeemed with fleſh, bloud with bloud, life with life, the guilty body with a guiltleſſe body, and to be ſhort, the treſpaſſe and corruption of man, by the innocency of ſome ſanctified creature offered unto God for remiſſion of ſin. And becauſe nothing under the ſun could be offered up, but it alſo was full of corruption, and that nothing could be acceptable unto God, that was impure, therefore though they choſe the cleaneſt and perfecteſt beaſts, and things for theſe offerings and ſacrifices, and purged and ſanctified them by all manner of means they could, yet they deviſed further to ſever the purer and aeriall part thereof from the groſſe and earthly; conſuming the one, that is to ſay, the fleſh and the bones (as the body of ſin and corruption) with the deſerved torment of fire, and ſending the other, that is, the fume and vapour, as the purer part to carry their prayers and invocations up into heaven, before the Throne of God. Firſt, how corruptible they were, that is, even like the great body of a bullock ſuddainly conſumed. Secondly, the puniſhment in juſtice due unto them, even the torment of fire. Thirdly, the place and perſon from whence they hoped for redemption: Heaven and Almighty God. And laſtly, the means whereby they were to attain it, taken from two of the proprieties of fire, light and heat: that is, firſt, the light of faith, whereby they long foreſaw the promiſed ſeed; and ſecondly, the heat of zeal and hearty prayer, breathed and ſent forth from the altar of a fervent heart, whereby they hoped to obtain remiſſion of their ſins.

After all this they yet conſidering further, that the corruption and wrath fallen upon them was perpetu-

all,

all, and that these oblations and sacrifices were but temporall and momentary, they thought in reason (being onely under the law of Reason) that the one could not countervail the other, and that therefore it was necessary by continuall reiteration and multiplying of sacrifices to sollicite and importune God from day to day untill the time came, that a perpetuall sacrifice might be offered up to make *finalem concordiam*, in the high Court of heaven, a full atonement betweene God and man: which being once accomplished by our Saviour Christ, both the institution and the end of sacrificing were wholly accomplished, and so no cause for ever after to use that ceremony any more. *For with one offering*, saith the Apostle to the *Hebrews*, *hath he consecrated for ever them that are sanctified*, Heb. 10.14.

Touching Circumcision, though it were before the *Levitical* Law, yet it rise not out of the Law of Nature, or *Morall* Law, but was instituted by a positive constitution, made by God himself, and not as a part of his worship, but as a seal of his Covenant with *Abraham*, which by this ceremony of cutting away the impurer part of the flesh, did put the children of *Israel* ever in mind to cast away carnall affections, and to hope for the promised Messias, that should cleanse them from the impurity of sin, and restore them again to the favour of God: which being performed by our Saviour, the Covenant was fulfilled, and the seal of Circumcision presently thereby defaced.

## § 2. *Of the Sabbath day: Easter and Pentecost.*

The Institution of the Sabbath day had in it much more *Levitical* ceremony, then the matter of tithing; for no man ought to kindle a fire on that day, nor dresse the meat he should eat, nor carry any burden, take a journey, or stir out of the place he was in. *Tarry every man in his place, let no man goe out of his place the seventh day, Exod.16.29.* It was besides a day appointed for divers particular ceremonies, sacrifices, and offerings, as yee may read, *Num.*28.9,10. and amongst other significations, to be a memoriall of the great deliverance out of *Ægypt*, (a thing peculiar to the *Jews*.) Neither have we any commandement, but only a precedent for the keeping of it, from the Apostles, *Acts* 20.9. 1 *Cor.* 16.2. *Rev.*1.10. Yet durst never any man say, that the Sabbath was therefore to be abolished, but the temporall and ceremoniall parts thereof being taken away, the morall use of the commandement, which is, that the seventh part of our time must be dedicate to the generall service of God, remaineth for ever to the worlds end; for otherwise our Sabbath is so remote from the Sabbath commanded in the Decalogue, that the one holdeth almost no affinity with the other, as appeareth in the points aforesaid; and for that their Sabbath was the last day of the week, ours is the first: theirs was in celebration of the end of his workes; ours in celebration of the beginning thereof; for in the first day were the Elements, the Angels, &c. made. *August. Tom.*10. *fol.* 250. Theirs in memory of the Creation of the world, ours of the Redemption, that Christ rise from the dead the first day

Exod.35.3. 16.24. Jer.17.11.

day of the week. And though the Apostles taught us by example to exchange the *Jewish* Sabbath for this of ours, as touching the publique meeting on the first day of the week, for setting forth the glory of God, yet they gave us no commandement to abstain from work on that day; but the Church decreed, saith S. *Augustine*, that all the honour of the *Jewish* Sabbath should be transferred to the Christian; (*loco dicto*) and is done upon the *Morall* reason of the commandement, not the *Leviticall*.

So likewise in tithing, cut off those parts that were temporall, and ceremoniall, which as I have shewed were neither in the payment, nor in the receiving of them, but in the manner of sanctifying and employment of part of them, after the *Levites* were possessed of them: and then that which remaineth, namely, the payment and receiving of them for maintenance of the service of God remaineth for ever, as a part of the *Morall* Law, and common equity.

So touching *Easter*, Christ our Passeover was sacrificed for us, 1 *Cor.* 5. 7. and thereby the end of Institution accomplished: how come we then to continue it, especially, having neither commandement, nor precedent thereof from the Apostles? The *Ceremoniall* part of the Paschall feast, *viz.* the *Leviticall* Lamb, the Purification precedent, &c. are abolished with the Law, yet in that Christ came in the room of that *Leviticall* Lamb, and was sacrificed at the same time, and gave his body to be broken and eaten by all, as the Paschall Lamb was for a satisfaction for our sins, as S. *John Baptist* saith, *Ecce Agnus Dei*--therefore is that Feast continued, as it was formerly used, without changing either the number of the days, or season of the year,

or the ſolemn eſtimation that was anciently had thereof: yet note that *Easter* is kept according to the *Leviticall* manner for the time, after the full Moon, and is therefore moveable; whereas the day that Chriſt ſuffered is otherwiſe fixed, as that of the Nativity.

So likewiſe *Pentecoſt*, being the 50. day from the firſt Paſſeover, eaten by the children of *Iſrael*, and the day alſo whereon the Law was given in Mount *Sinai*, and therefore hallowed as one of the three greateſt feaſts; the Law then being ended, the celebration of the birth-day thereof, muſt in all reaſon alſo be ended; yet becauſe the fulneſſe of grace, (that holdeth always an *Antitheſis* with the Law) that is, the holy Ghoſt in ſhape of cloven tongues was at the end of 50. days after Chriſts firſt Paſſeover ſent down upon the Apoſtles; therefore is that Feaſt alſo continued, at the ſame time and number of days, that the *Jews* uſed it: although in all the New Teſtament we have neither commandement, nor example for keeping either of theſe Feaſts; for though it be ſaid, *Acts* 2. 1. *that when* Pentecoſt *was come, the Apoſtles were all together in one place*, yet was not that their meeting to celebrate the *Judaical* Feaſt: but becauſſe the people from all parts then flocked to *Jeruſalem*, the Apoſtles were there alſo, for the better publiſhing of the Goſpel, and for the ſame reaſon was the holy Ghoſt alſo in this miraculous manner ſent at this time, that by this means the fame thereof might be carried throughout all the world. For it cannot be intended, that the Apoſtles met to celebrate the Chriſtians feaſt, inſomuch as at the beginning of this their meeting the holy Ghoſt was not ſent upon them. Yet all this while, nor in the Apoſtles time, as far as the New Teſtament diſcovereth,

reth, was *Easter* used, nor the Feast of *Pentecost*; for though it be said, that when the Feast of *Pentecost* was come, they were all with one accord in one place, *Act.* 2. 1. that is, at the time when the cloven tongues fell upon them, this like the Sabbath was the *Jews Pentecost*, not the Christians; for it answered to the *Easter* that the *Jews* had then last holden, not to that our Saviour kept, being the day before the *Jews*. So that neither of these Feasts seem to be begun in the Apostles time, but rather by their next successors; yet Saint *Paul*, 1 *Cor.* 16. 8. saith, *I will tarry at* Ephesus *till* Pentecost, *for a great door and effectuall is opened unto me, and there are many adversaries*: as though he desired at that great Feast, to take the opportunity to publish the Gospel, and confute his adversaries.

*Nemo non sanctificatus faciat Phase.* Nu. 9. 6. *hac ceremonia sublata, maxet festum.*

## CAP. XXIX.

### *How Appropriations began.*

MAny things are notoriously wicked in conclusion, whose beginnings are not suspected: so hath it happened in Appropriations. The Livings that belong to them, were first given for the maintenance of the Church & her family, that is, Ministers and poor people. In the Primitive Church the Bishops disposed them accordingly, but the burden growing in time too great for them, the Parsons were themselves trusted to doe it every one in his own Parish. Then divers religious men, as Abbots, Priors, single Deans and Prebends, that had advowsons to them and their successors, perceiving this, began first to collate themselves to those Churches, and for lucres sake were contented in their own persons to doe the divine service thereof; and find-

ing ſweetneſſe in it, as enjoying thereby the whole fruits of the Benefice. Every ſucceſſor did the like, and by that means kept the Living perpetually in their owne hands, without any favour, or thanks of, or to the Ordinary; at length to avoid the multiplicity of Inſtitutions and Inductions, they eaſily obtained licence of the King and Ordinary (ſometimes of the Pope himſelf) that without theſe uſuall ceremonies, they and their ſucceſſors might be perpetuall Incumbents, and take the profits of thoſe their Benefices. In old time whileſt theſe Churches were in the Clergy-hand, they were called Appropriations, becauſe they were appropriate to a particular ſucceſſion of Church-men; now they are called Impropriations, for they are improperly in the hands of Lay-men.

But thus Churches became firſt appropriate, yet onely unto ſuch as were meerly ſpirituall, and might in their own perſon miniſter the ſacraments and divine ſervice. But ſhortly after Deans and Chapters obtained like licenſes to them and their ſucceſſors, who being a Body corporate, conſiſting of a multitude, could not jointly perform this function, and in particular none of them was tied unto it. Then was it deviſed, that by their common ſeal (which is the tongue of their Corporation) they might appoint a Deputy or Vicar to doe it for them; which invention gave the wound unto the Church, whereof ſhe bleedeth at this day.

By theſe examples, Abbots, Priors, ſingle Deans and Prebends, that before ſerved God in their own perſons, learned alſo to doe it now by Vicars and Subſtitutes, and ſo like faithleſſe ſhepheards left their flocks to careleſſe pages, themſelves minding nothing but the benefit of the Livings. And this device being once a foot, the

the very Nuns and Prioresses (that could by no means administer these holy rites) laid hold thereof, and being religious persons obtained also the same Licences: all of them pretending that with great fidelity they would see that performed effectually to the Church and poor, that those Livings were at first ordained unto, Divine service, and Hospitality. By this window crept the Vicars into Churches, who for the most part were some of the Monastery, whereunto the appropriation belonged; till the statute of 4 *H.* 4. *cap.* 12. provided, *That in every Church so appropriate, a secular person be ordained Vicar perpetuall, Canonically institute and induct in the same, and convenably indowed by the discretion of the Ordinary,* (1) *to doe divine service,* (2) *and to inform the people,* (3) *and to keep hospitality there—— and that no Religious be in any wise made Vicars, in any Church so appropriate, &c.*

Thus came Vicars to get a lock out of the Parsons fleece, which though it were a very poor one, yet was it in some sort proportionable to the deserts and quality of such heardmen, insomuch as then they were single men, as well as simple Clerks; but yet notwithstanding they were thus indued before this Statute, for in the Synod holden at for the Province of *Canterbury, Anno* 1222. *ca.* 18. it was ordained, that lesse should not be assigned to a perpetuall Vicar then five marks a year in rent, which in the proportion that the rents of that time hold to this, cannot be lesse then 30 l or 40 l a year.

So that the Appropriation of a Parsonage was no more at the first, but a grant made by the Pope, &c. to an Abbot, Prior, Prebend, or some other spirituall person, being a Body politique and successive, that he and

and his ſucceſſors might for ever be Parſons of that Church, that is, that as one of them died, his ſucceſſors might enter into the Rectory, and take the fruits and profits thereof, without further trouble of admiſſion, inſtitution, or induction; which upon the matter, was no more but to doe that brieſly at one cut, that otherwiſe might and would in length of time be done at ſeverall times, as to admit, inſtitute, and induct the whole ſucceſſion of a religious body politique at once, whereas otherwiſe every ſucceſſour muſt have had a particular inſtitution and induction; and therefore every ſuch ſucceſſour during his time, was as perfect an Incumbent, as if he had been particularly inſtituted and inducted: but when the ſucceſſion failed, then it was again preſentative as upon the death of an ordinary Incumbent: and by extinction of the Houſe, diſſolution, ceſſion, or ſurrender of the Houſe and Order, the appropriation is determined, and they are now again preſentative: for the appropriation is but as a ſtop in a run, which being taken away, the former right renueth.

Plowd. 500.

Dier Howd. 497. Manwood 501

What alteration then did the Statute make of them? did it make them lay, or temporall Livings? no, the words of the Statute are, *That the King ſhall have them in as large and ample manner, as the Governors of thoſe houſes had them, &c.* So that though the Statute changed the owner of the thing, yet it changed not the nature of the thing. The Monaſticall perſons had them before as ſpirituall Livings, and now the King muſt have them in as large manner, but ſtill as ſpirituall Livings: and with much more reaſon might the King ſo have them, then any other temporall men; for as the Kingdome and Prieſthood were united in the

the person of our Saviour Christ, so the person of a King is not excluded from the function of a Priest, though as Christ being a Priest, medled not with the kingdome, so they as Kings, medle not with the Priesthood. Yet by the Laws of the Land the King is composed as well of a spirituall body politique as of a temporall, and by this his spirituall body he is said to be supream Ordinary, that is, chief Bishop over all the Bishops in *England*, and in that his Ecclesiasticall or Spirituall authority, doth many things, which otherwise in his temporall he could not doe; and therefore the Statute of 25 *H.*8. *cap.* doth agnise the words, *authoritate nostra regia Suprema & Ecclesiastica qua fungimur*, which the King useth in divers Charters touching spirituall causes, doe testifie, that he taketh upon him the execution thereof: and therefore in this respect he may much better hold them then his lay subjects. Neither is this authority of the King founded upon the Statute of *H.* 8. or any other puisne institution, but deduced anciently from the very Saxon Kings, as appeareth by many of their Laws, and Charters, wherein as supream Ordinary they dispose of the rights, and jurisdiction of the Church, delivering unto religious persons, greater or lesser portion thereof, according to their own pleasure, and abridging and exempting other from the authority of the Bishops, and Archbishops, or any other Ecclesiasticall Prelate. And in this respect it seemeth that the Chappell of the Kings house was in ancient time under no other Ordinary, then the King himself; for *William* the Conquerour granting all exemption to *Battail Abbey*, granteth that it shall be as free from the command of any Bishops, as his own Chappell.

In this part of his power *vr.* 1. made Appropriations of Parsonages, which otherwise he could not doe. *Cokep.5. f.* 10.

*Dominica Capella*, which as it thereby seemeth was under no other Bishop then the King himself.

*Object.* *But the Bishops agreed to the granting away of these Church Livings.*

It is true, that the Law accounteth the judgement of the major part, to be the judgement of all: but the Bishops cannot be said to have agreed unto it, as being willing with it, but as concluded by legall necessity and inference. For though all the Bishops said nay, yet the Lay Barons by reason of their number exceeding the Bishops were not able to hinder it: and no man doubteth, that in publique suffrages, very many times, *major pars vincit meliorem*; therefore I neither accuse, nor condemn the reverend Bishops herein: for their voices, though they had given them every one against the Bill, were not able to hinder it. Neither doe I think but that they being men of another profession, unexercised in the elenchs of the Law, were overtaken in the frame of words, and thereby passed that away in a cloud, which if they had perceived could never have been won from them with iron hooks. But in this matter, there being a question of Religion; Whether Tithes be due *jure divino*, or whether they could be separated from the Church; it was not properly a question decidable by the Parliament, being composed wholly of Lay persons, except some twenty Bishops, but the question should first have been moved amongst the Bishops by themselves, and the Clergy in the Convocation house, and then being there agreed of according to the Word of God, brought into the Parliament. For as the Temporall Lords exclude the Bishops when it commeth to the decision of a matter of bloud, life and member: so by the like reason, the

Bishops

Bishops ought to exclude the Temporall Lords, when it commeth to the decision of a question in Theology; for God hath committed the Tabernacle to *Levi*, as well as the kingdome to *Juda*: and though *Juda* have power over *Levi*, as touching the outward government, even of the Temple it self; yet *Juda* medled not with the Oracle, & the holy Ministery, but received the will of God from the mouth of the Priest. Therefore when *Valentinian* the Emperour required *Ambrose* to come and dispute a point of *Arianisme* at his Court, he besought the Emperour, that he might doe it in the Consistory amongst the Bishops, and that the Emperour would bee pleased not to be present among them, lest his presence should captivate their judgements, or intangle their liberty.

*That after the Appropriation, the Parsonage still continueth spirituall.* § 1.

It appeareth by that which is afore shewed, and the circumstances thereof, that the Appropriating of a Parsonage, or the endowing of a Vicarage out of it, doe not cut the Parsonage from the Church, or make it temporall, but leaveth it still spirituall, as well in the eye of the Common Law, as of the Canon Law; for if it became temporall by the Appropriation, then were it within the Statute of *Mortmain*, and forfaited by that very Act. But it is agreed by the 21 *Ed.3.f.5.* and in *Plowd. Com. fo.499.* that it is not *Mortmain*, and therefore doth continue spirituall; for which cause also the Ordinary, and Ecclesiasticall Officers must have still the same authority over such appropriate Churches, as they had before those Churches were appropriate.

Therefore in the year 1252. *Robert* Bishop of *Lincoln* by commission from *Innocent* 4. not onely enlarged the endowments that before were made, to divers Vicarages, (as he thought good) but endowed others out of those Appropriations that had no Vicarages endowed to the great discontentment of all the Approprietaries of that time, as appeareth by *Matth. Paris.* And therefore also the Statute of 15 *R.* 2. *cap.* 6. and that of 4 *H.* 4. *cap.* 12. that ordained, that in Licences of Appropriation in the Chancery it should be contained, *That the Bishop of the Diocesse in every Church so appropriated, should provide by his discretion that the Vicar were convenably endowed, Divine service performed, and a convenient portion of the fruits thereof yearly distributed to the poor of the Parish*, did but agnise and affirm the spirituall end whereto these Parsonages were appointed, and the authority the Church had still over them, notwithstanding such Appropriation, commanding the Bishops to see it executed. Neither doe I yet finde, where this power is taken from the Bishops, for the Statute that giveth these appropriate Churches to the King, saith not, that the King shall have them as temporall lands, or discharged of the Bishops jurisdiction, but that he shall have them as the religious persons had them, that is, as spirituall Livings, and consequently subject to the jurisdiction of the Bishops before had over them; and then are they no otherwise in the hands of the Laity; for testimony whereof they also carry at this day the badges and livery of their Lords and Masters of the Clergy; for as *Joseph* was taxed in his own City, so are they yet ranked amongst other spirituall Livings, and as members of that body doe still pay their Synodals and Proxies

to

to the Bishops and Archdeacons: and if Tithes bee withholden from the Appropriatary, he still sueth for them (as spirituall things) in the Spirituall Court. All which are (by Gods Providence) left upon them as marks of the Tribe they belong unto, that when the Jubile commeth (if ever it please God to send it) they may thereby be distinguished, and brought back again to their own Tribe.

*That no man properly is capable of an Appropriation but spirituall men.* § 2.

Spirituall things and spirituall men are correlatives, and cannot in reason be divorced: therefore was no man capable of Appropriations but spirituall persons before the laws of dissolution, which first violated this holy marriage, and (like *Abimelech, Gen.* 20. 2.) took the wife from the husband, and made Laymen which before were the children of the Church now become spirituall Fathers. The act of Appropriation is nothing but to make a body corporate or politique spirituall, that hath succession, perpetuall Incumbents in a Rectory; or no more, upon the matter, then to entail the incumbency to one certain succession of spirituall men. Therefore as a Patron (saith my Lord *Dyer*, Chief Justice, and *Plowden* 496.) must present a spirituall person to a Church, and not a temporall: so by the same reason, an Appropriation must be made unto a spirituall person, and not temporall; for saith he, the one hath cure of souls, as well as the other: and they differ in nothing but in this, the one is Parson for his life, and the other and his successours, Parsons shall be for ever: and for this in the beginning (saith he) were

the Appropriations made to Abbots, Priors, Deans, Prebends and ſuch like, as might (in their own perſon) miniſter the Sacraments, and Sacramentals, and to none other. And for the ſame reaſon at the firſt it was holden, that they could not grant their eſtates to any other, no more then the Incumbent of a Parſonage preſentative, who though he may leaſe his Glebe, and Tithes, yet can he not grant his Incumbency to any other, but muſt reſign it; and then the Patron and Biſhop muſt make the new Incumbent. And ſo the Incumbency which is a ſpirituall office cannot be granted, nor by the ſame reaſon could the perpetuall Incumbent (which is the Appropriatary) at the firſt grant his eſtate which contained the Incumbency, and the Rectory, which is the revenue of the Incumbent.

Therefore when the Order of the Templars (to whom divers appropriate Parſonages were belonging) was diſſolved, and their poſſeſſions granted to the Prior of S. *John* of *Jeruſalem* in *England*, Juſtice *Herle* in 3 *Ed.* 3. ſaid, that if the Templars had granted their eſtate in the Appropriations to the Hoſpitalers, that is, to them of S. *Johns* of *Jeruſalem*, the Hoſpitalers ſhould not have it; for it was granted onely to the Templars, and they could not make an Appropriation thereof over unto others. Therefore to make good the eſtate of the Prior and Hoſpitalers, it was ſhewed there that by the grant of the Pope, King, and Parliament, the Prior had the eſtate of the Templars: And ſo by *Herle*, an Appropriation cannot be transferred to another; and with good reaſon, (ſaith the book) for it hath in it a perpetuall Incumbency, which is a ſpirituall function appropriate to a certain perſon ſpirituall, and cannot be removed from them in whom it was firſt ſetled by any act of theirs.

*Herle*

*Herle* there also said that, That which was appropriate unto the Templars, was disappropriate by the dissolution of their Order, *fo.* 497. *B.* So that as death is the dissolution of every ordinary Incumbent, so the dissolution of a religious Order, Monastery, or Corporation, is the death thereof, and by that death (according to this opinion of Justice *Herle*) the Church appropriate that belonged thereunto is again become presentable as it was before the Appropriation; whereunto my Lord *Dyer* and *Manwood* doe also agree; and therefore by the dissolution of religious houses, all Appropriations had been presentable like other Churches, if the Statute of dissolution had not given them to the King; and by as good reason, might the same Law-makers have given him the other also, for any thing that I perceive to the contrary. Yet let us see in what manner they are given unto the King, for though I cannot examine the matter according unto the rules of Law, being not so happy (which I lament) as to attain that profession; yet under correction, I will be so bold as to offer some points thereof to further consideration; as, first, what is granted to the King; secondly, the manner how it is granted; thirdly, the ends why: And herein I humbly beseech my Masters of the Law to censure me favourably: for I take it by protestation, that I doe it not as, *asserendo docere, sed disserendo quærere legitima illa vera,* that *Littleton* speaketh of.

Dier Plowd. 497. Manwood, ib. 501. l. 2.

*What was granted to the King.* § 3.

1. The Statute saith, That the King shall have all such Monasteries, Priories, and other such religious Houses

Houſes of Monks, &c. as were not above 200l a year. And the Sites, and Circuits thereof, and all Manours, Granges, Meaſes, Lands, &c. Tithes, Penſions, Churches, Chappels, Advowſons, Patronages, Annuities, Rights, Conditions, and other Hereditaments appertaining or belonging to every ſuch Monaſtery-- 2. In as *large and ample manner*, as the Governours of thoſe, and ſuch other religious Houſes have, or ought to have the ſame in *the right of their Houſes*. 3. To have and to hold, &c. to his Majeſty, his Heirs, and Aſſigns, to doe and uſe therewith, his and their own wils, *to the pleaſure of God*, and to the *honour and profit of this Realm*.

The words have divers ſignifications, and therefore make the ſenſe the more obſcure.

Monaſteries, Priories, and religious Houſes are,

1. Sometimes taken perſonally, for the Heads and Members of the Houſe, that is, for the men of the Houſe, as Church for the Congregation, City for Citizens.

2. Sometime they are taken locally, for the ſoil of the Houſe, and in this ſenſe one while extenſively, to all the Territory thereof: another while reſtrictively, to the ſite and building onely.

3. They are taken civilly, or locally, for the whole rights of the Houſe, the lands, the rents, the poſſeſſions, and inheritances whatſoever. In which of theſe ſenſes the Parliament hath given them to the King, and whether in all of them or not, it is not manifeſt; but I conceive the words muſt be taken in the laſt ſenſe, which as the more generall, includeth alſo the ſecond; and if the very carkaſſes of the Monaſtery perſons had been worth the having, might well enough have fetcht them in alſo. Therefore though after theſe generall

and

and ſpacious words, there followeth a grant of divers particular things, as Sites, Circuits, Granges, Meaſes, Lands, Tithes, &c. yet I take this to be but an enumeration of the things *in ſpecie*, which before are granted *in genere*; for if the generall words have not carried them, as the body carrieth the members, then it ſeemeth theſe particulars doe not carry them, for they are granted but as Appurtenances to the ſaid Monaſteries, and Houſes, for the words be, Sites, Circuits, Lands, Tithes, &c. appertaining or belonging to every ſuch Monaſtery; words in my underſtanding onely of explanation and reſtraint, and not trenching to the enlargement of the grant.

So that upon the matter the Parliament hath granted Tithes and Appropriations to the King, if they belonged unto the Monaſteries, and not otherwiſe. Let us therefore ſee whether they belong or not.

*Whether Tithes and Appropriations belonged to the Monaſteries, or not?* § 4.

Abbots, Priors, and ſuch religious men had two ſorts of Tithes; one incorporate to their Houſes, which I call Monaſticall Tithes: the other depending upon their function, as they were Parſons of any Pariſh, which therefore I call Pariſh Tithes. 1. The firſt of theſe came unto them, as their very lands did, by plain point of Charter; for before the *Lugdune* and *Lateran* Councels, every man might beſtow his Tithes upon what religious Houſe perſon he liſted: and then the founders and benefactors of religious Houſes did ordinarily grant all or ſome portion of their Tithes to thoſe Houſes, as by a multitude of precedents there-

*Neol. Fossard dedit an. 1081. Aldwino Abbati de Ramsey, viz. Deo, &c. Ecclesiam de Bromham & terram ad duas carrucas & decimas trium villarum, & de duobis molendinis & totã decimam de propria aula. Liber MS. Ramsey pag. 240.*

of appeareth. From hence it rise that the Monasteries had so many portions of Tithes, or rents for them (which we call Pensions) out of so many severall and remote places of the kingdome; and therefore all these Tithes (how unjustly soever they were conferred upon them) were *de corpore Monasterii*, and passed undoubtedly to the King. 2. But the other sort, that is, Parish Tithes, belonged onely to the Parson of the Parish, by reason of his function, and incumbency, which function, though by act of Appropriation, it were collated upon these religious men, yet did it not invest the property of those Tithes in their Monasteries, but made their persons capable of them by reason of that their function, for without their function of being Ecclesiasticall persons, they could not have them, being forain unto them, as I may tearm it, and not domesticall, as belonging to their house, or monasticall, as belonging to their conventuall body.

§ 5. *In what sort they were granted to the King.*

Though the Parliament hath power to dispose temporall inheritance, and to make Lawes to binde the rights of subjects, yet it is confessed by the Books of the Law themselves, that it can establish nothing against the law of God; and therefore if Tithes be in the Clergy by the Law of God, as before we have shewed, then can they not be pulled from him by any law of man. Neither hath the Parliament as it seemeth attempted to doe it, but insomuch as they were misemployed by the Clergy of that time, therefore the Parliament took them from them, and gave them to the King, not in any new course of property, or to be enjoyed

enjoyed by him as his temporall inheritance; but to be his in as large and ample manner (saith the Statute) as the Governours of those religious Houses —— *had or ought to have the same.* Now it is apparent, that the Governours of religious Houses, neither had them, nor ought to have them, otherwise then to the service of God, and benefit of the Church.

*To what end they were granted to the King.* § 6.

This point dependeth upon the precedent, for the end why they were given unto the King, is declared by the manner of giving them unto him. Therefore though the Statute saith, *To have and to hold* —— to his Majesty, his heirs, and their own wils, to doe and use therewith, his and their own wils; yet lest their wils should decline from the due employment of them (as the religious persons did) therefore the Statute addeth these words, *to the pleasure of God, and to the honour and profit of this Realm.* So that the King had not the things themselves simply, but in such manner onely as the religious persons had them, and that being but to the service of God, and benefit of the Church, the King could have them in no other manner then for the service of God, and benefit of the Church; and then to the words subsequent in the *Habendum, viz.* to doe and use therewith their wils, is no more, then if we should say, That the King, &c. should have them to dispose of in the service of God and of his Church, according to his own will and wisdome; which the words annexed plainly intimate, appointing unto the King by what bounds and marks hee must walk in disposing of them, namely so, as may

be to the pleasure of God, and the honour and profit of the Realm. But it cannot be to the pleasure of God, that his Ministers should be defrauded; nor to the honour and profit of the Realm, that the service of God should be hindered, or neglected, and therefore the King must have and hold them to those purposes, and to none other.

And that the King was not deceived in this kinde of construction of the Act of Parliament, it appeareth by a Declaration made by himself freely in an Oration of his unto the Parliament, *Anno* 37. of his reign, " where he saith,—— I cannot a little rejoyce, when " I consider *the perfect trust and confidence*, which you " have put in me, as men having *undoubted hope*, *and un-* " *feigned beleef*, in my good doings and just proceedings; " for you without my desire or request, have commit- " ted to my order and disposition all Chauntries, Col- " ledges, Hospitals, and other places specified in a cer- " tain Act, firmly trusting, that I will order them to " the *glory of God*, *and the profit of the Common-wealth*. " Surely, if I contrary to your expectation should suf- " fer the *Ministers* of the Church to decay, or *Learn-* " *ing* (which is so great a jewell) to bee minished, or " poor and miserable to be unrelieved, you might well " say, that I being put in so speciall a *Trust*, as I am in " this case, were no trusty friend to you, nor charitable " to my *even Christian*, neither a lover of the publique " wealth, nor yet one that feared God, to whom ac- " count must bee rendred of all our doings. Doubt " not I pray you, but your expectation shall bee ser- " ved more *Godly* and *Goodly*, then you will wish or " desire, as hereafter you shall plainly perceive, &c.

So that the King hereby doth not onely ingenuously

ly confesse the *Trust* committed to him by the Parliament, in the same manner that the Act assigneth it, *viz.* to be for the *glory of God, and the profit of the Common-wealth:* but he descendeth also into the particularities of that *Trust*, as namely; for the maintenance of the *Ministers*, the advancement of *Learning*, and provision for the *poor*.

*That the King might not take them.* § 7.

In the 45. chap. of *Ezekiel*, God commandeth the Prophet to divide the Land into three parts, one for God himself, and his servants the Priests, the other for the King, and the third for the people. And then he saith, *Let this suffice, O yee Princes of Israel*, v. 9. *Leave off cruelty and oppression, and execute judgement and justice, take away your exactions from my people.* And again, *chap.* 46. 18. *The Prince shall not take of the peoples inheritance, nor thrust them out of their possessions, but he shall cause his sonnes to inherit his owne possession, that my people be not scattered every man from his own possession.*

Though the said Texts savour something of the *Leviticall* Law, as to preserve the Tribes from confusion, yet they present also unto us rules of *Morall* justice. First, that in the division of the Kingdome, wee must remember to give him a part for his honour, that giveth us all for our necessities; therefore he saith in another place, (45. 1.) *When yee shall divide the Land for inheritance, yee shall offer an oblation unto the Lord, an holy portion of the Land.* Secondly, that the Prince must be contented with the portion assigned him, and not to disturbe the people in

their possession, but not God especially in his, for that is priviledged further and defended with another iron barre, *it is an oblation*, saith the Text, *unto the Lord, yea, it is an holy portion of the land.* Holy, because it is offered unto God, and holy again, for that being offered unto the Lord it is severed from the injury of man, it must not be violated, nor plucked back, it must *not be sold, nor redeemed, it is an inheritance separate from the common use, it is most holy unto the Lord*, Lev.27.28.

It being thus manifested, what are the chief ends and uses of Parsonages, it appears how unjust it is to tolerate Appropriations, and how miserable their condition is who hold them: Oh how lamentable is the case of a poor Approprietary, that dying, thinketh of no other account, but of that touching his lay vocation, and then comming before the Judgement seat of Almighty God, must answer also for this spirituall function; first, why he medled with it, not being called unto it; then why (medling with it) he did not the duty that belongeth unto it, in seeing the Church carefully served, the Minister thereof sufficiently maintained, and the poor of the Parish faithfully relieved. This, I say, is the use whereto Parsonages were given, and of this use we had notice before we purchased them; and therefore not onely by the Laws of God, and the Church, but by the Law of the Land, and the rules of the Chancery, at this day observed, we ought onely to hold them to this use, and no other. Look how many of the Parishioners are cast away for want of teaching, he is guilty of their bloud; at his hand it shall be required, because he hath taken upon him the charge. He saith, he is Parson of that place, and of his own mouth will God judge him, for idle

idle Parsons are guilty of the bloud of the Parishioners; and this S. *Paul* sheweth, when he saith, I thank God I am pure from the bloud of all men, *Act.* 20.26. meaning he taught the counsell of God so faithfully, as if any be not saved thereby, their bloud is upon their own heads, for he on his own part addeth, that hee hath kept nothing back, but shewed them all the counsell of God, *v.*27.

It is not therefore a work of bounty and benevolence to restore these Appropriations to the Churches, but of duty and necessity so to doe. It is a work of duty to give that unto God that is Gods, *Mat.* 22.21. and a work of necessity towards the obtaining remission of these sins; for, as S. *Augustine* saith, *Non remittitur peccatum, nisi restituatur ablatum, cum restitui potest. Augustin. Macedon. Ep.*54. The sin shall not be forgiven without restoring of that which is taken away, if it may be restored.

*Of the Statute of dissolution, that took away Impropriations from the Church.* § 8. 27 H.8.c.27.

We must note touching that first Statute, the time wherein it was made, the persons by whom, the circumstances in the carriage and effecting of it, and the end why. The time, while it was yet but dawning of the day, or twilight of both Religions. The persons, then members of the Parliament, half of them I fear, if not the greater half, either absolute Papists, or infected with Romish Religion; the other half yet in effect but κατηχούμενοι, and *candidati restitutæ religionis*, and so could not by and by conceive all dependencies in so great a work, and what was fit in every respect,

to

to be provided for. The circumstances, incident to the businesse, as the great and strong opposition of the adverse party; which happily was so potent in Parliament, as if opportunity had not been taken at some advantage for passing of the bill, whilest many of them were absent, it had not passed so soon: and this might well cause haste in the carriage of it, and haste imperfection. How it fell out in that point I doe not know, but I have heard that *anno* 1. *Mariæ*, when the Laws of *H.* 8. touching the *Premunire*, and of *Ed.* 6. touching Religion were repealed, the matter was so handled as there were but 28. persons in the Parliament House to give their voice with the Bill, and yet carried it; So in this businesse the great haste and desire to effect it, and the great matters aimed at, as the transferring of all Monasteries Livings unto the King, made somethings in the Act to passe unconsidered, and no doubt amongst other these appropriate Parsonages; which in truth are not named in that Act, but carried away in the fluent of generall words, wherein though Tithes be inserted, yet the word may seeme onely to intend such portions of Tithes as belonged to the Monastery it self, as many did, and not those belonging unto Appropriations, since the Appropriations themselves are not there named. But I will excuse the matter no farther then equity; for after Religion had gotten some strength, the following Act of 31 *H.*8. *c.* 13. gives them expressly to the King by the words, *Parsonages appropried, Vicarages, Churches, &c.* yet was all this done in the heat and agony of zeal then privily enflamed on all parts against the Romish religion, insomuch as other inconveniences and enormities likewise followed thereon, as in *Ed.* 6. the burning of many

This Parliament begunne 5. *Octob.* 1554 and ended 5. *Decemb. Fox p.*1396. *Col.*2. *l.* 1.

A Parliament of 28. Bishops, &c. to undoe 28. generall Councels happily not halfe 28.

many notable Manuſcript Bookes, the ſpoiling and defacing of many goodly Tombes and Monuments in all parts of the kingdome, pulling down of Bels, Chancels, and in many places of the very Churches themſelves.

*Moſes* for haſte broke the Tables of the Law; and theſe inconveniences in ſuch notable tranſmutations cannot be avoided, ſome corn will goe away with the chaffe, and ſome chaffe will remain in the corn; mans wit cannot ſuddainly, or eaſily ſever them. Therefore our Saviour Chriſt foreſeeing this conſequence delayed the weeding out of the tares from the wheat, till the Harveſt was come, that is, the full time of ripeneſſe and opportunity to doe it. Beſides, light and darkneſſe cannot be ſevered *in puncto*, the day will have ſomewhat of the night, and the night ſomewhat of the day: the religion profeſſed, brought ſomething with it of the religion aboliſhed, and the religion aboliſhed hath ſomewhat ſtill that is wanting in ours; and neither will ever be ſo ſevered, but each will hold ſomewhat of the other: no rent can divide them by a line. When the children of *Iſrael* came out of *Ægypt*, they brought much of the *Ægyptian* infection with them, as appeareth in the Scripture, and they left of their rites and ceremonies among the *Ægyptians*, as appeareth in *Herodotus*. Therefore as *Moſes* renued the Tables that were broken through haſte, and time reformed the errors of religiõ amongſt the *Iſraelites*: So we doubt not but his Mty, our *Moſes*, wil ſtill proceed in repairing theſe breaches of the Church, and that time by Gods bleſſing wil mend theſe evils of ours. I will not take upon me like *Zedechias* to foretell, having not the ſpirit of prophecy, but I am verily perſwaded, that ſome are already borne that ſhall ſee theſe Appropriate

Diſcipline *in genere*, according to the Primitive Church, not *in ſpecie* as they uſe it.

Parsonages restored to the Church: let not any man think they are his, because Law hath given them him, for *Tully* himself the greatest Lawyer of his time, confesseth, that, *Stultissimum est existimare omnia justa esse quæ sita sint in populorum institutis aut legibus*, Nothing to be more foolish then to think all is just that is contained in the Laws or Statutes of any Nation. Experience teacheth us, that our own Laws are daily accused of imperfection, often amended, expounded, and repealed. Look back into times past, and we shall find that many of them have been unprofitable for the Common-wealth, many dishonourable to the kingdome, some contrary to the Word of God, and some very impious and intolerable, yet all propounded, debated, and concluded by Parliament. Neither is this evill peculiar to our Country; where hath it not reigned? *Esay* found it in his time, and proclaimeth against it, *Wo be unto you, that make wicked Statutes, and write grievous things*. So *Tully* and the Roman Historians cry out, that their Laws were often, *per vim, & contra auspicia impositæ reipublicæ*, by force and against all religion imposed upon the Common-wealth. God be thanked we live not in those times, yet doe our Laws and all Laws still, and will ever in one part or other taste of the cask, I mean of the frailty of the makers. It is not therefore amisse (though happily for me) to examine them in this point, if they be contrary to the Word of God, for I think no man will defend them, they leave them to be a Law. God cannot be confined, restrained, or concluded by any Parliament, let no man therefore (as I say) think that he hath right to these Parsonages, because the Law hath given them him; the law of man can give him no more then the law

*De legibus.*

*Orat. in M. Antoa. per servos, per vim, per latrocinium.*

law of Nature, and God will permit. The Law hath given him *jus ad rem*, as to demand it, or defend it, in action against another man, it cannot give him *jus in re*, as to claim it in right against God. *Canonists*, *Civilians*, and common Lawyers, doe all admit this distinction, and agree, that *jus ad rem est jus imperfectum*, right to the thing is a lame Title, they must have right in it, that will have perfect Title. The Law doth as much as it can, it hath made him *rei usufructuarium*, but it cannot make him *rei dominum*, the very owner of the thing. The books of the Law themselves confesse, that all Prescriptions, Statutes, and Customes against the law of Nature (or of God) be void and against Justice.

*Vi. Na. Br. 14. f. 369. Jus perfectum cum possideatur in promiss. imperfectum dum non possideatur promiss.*

*Doct. & Stud. li. 1. c. 2. f. 4. a.*

*That the King may better hold Impropriations, then his Lay Subjects.* § 9.

No man by the Common law of the Land can have inheritance of Tithes, unlesse he be Ecclesiasticall, or have Ecclesiasticall jurisdiction. Lord *Coke part* 5. *Rep. fol.* 15. and *Plowd. fol.* So that he which hath Ecclesiasticall jurisdiction, though he be no Ecclesiasticall person, yet by the ancient Law of the Land, he may enjoy Tithes: and this concurreth not onely with the Canon Law, but seemeth also to be warranted by the example of the Provinciall *Levites*, who medled not with the Temple, and yet received their portion of Tithes, and other Oblations, as well as those that ministred in the Temple. But it plainly excludeth all such as be meerly Lay from being capable of them; let us then see by what better Title the King may hold them.

As the head cannot give life and motion to the divers members of the body, unlesse it hold a correspondency with them in their divers natures, and compositions: So the King, the head of the politique body, cannot govern the divers members thereof in their severall constitutions, unlesse he participate with them in their severall natures; which because they are part Lay, and part Ecclesiasticall, the jurisdiction therefore whereby he governeth them, must of necessity have a correspondent mixture, and be also partly Lay, and partly Ecclesiasticall; to the end that from these divers fountains in the person of his Majesty, those divers members in the body of the kingdome may according to their peculiar faculties receive their just and competent government. My meaning is not, that a Prince cannot in morall matters govern his subjects professed in religion, unlesse himself doe participate with them in some portion of their spirituall vocation: for I see that the Apostles themselves were therein subject to the Heathen Princes, and gave commandement to all Christians in generall, that they likewise should doe the same; and thereupon S. *Austin* saith, *that in those things that concern this life, wee must be subject to them that govern humane things.* But my meaning is, that a temporall Prince cannot properly dispose the matters of the Church, if he have not Ecclesiasticall function, and ability, as well as Temporall; for I doubt not but that the government of the Church, and of the Common-wealth, are not only distinct members in this his Majesties kingdome, but distinct bodies also under their peculiar heads, united in the person of his Majesty, yet without confusion of their faculties, or without being subject the one to the other. For the King, as meerly a temporall Magistrate, com-

Rom. 13. 1.
2 Pet. 2. 13.

*Oportet nos ex ea parte quæ ad hanc vitam pertinet, subditos esse potestatibus, i. hominibus res humanas cum aliquo honore administrantibus. in li. expos. quarundum propositionum, ex Ep. ad Rom.*

commandeth nothing in Ecclesiasticall causes, neither as the supream Officer of the Church doth he interpose in the temporall government: but like the common arch arising from both these pillars he protecteth and combineth them in perpetuall stability, governing that of the Church by his Ecclesiasticall jurisdiction, and that of the Common-wealth by his temporall. For this cause, as *Moses* was counted *in sacerdotibus*, *Psal. 99. 6.* though he were the temporall Governour of the people of *Israel*, so the Laws of the Land have of old armed the King, *persona mixta, medium*, or rather *commune quiddam inter laicos & sacerdotes:* and have thereupon justly assigned to him a politique body, composed as well of Ecclesiasticall jurisdiction, as temporall; like to that of *David*, *Jehosaphat*, *Hezekias*, and other Kings of *Juda*, who not onely in respect of their Crown, led the Armies of the people against their enemies: but as anointed with the holy oyle, ordered and disposed the very function of the *Levites*, of the Priests, and of the Temple, as you may read in their severall lives in the books of the *Kings* and *Chronicles*.

But the Kings of *England* have proceeded yet further in the gradations of Ecclesiasticall profession, as thinking it with *David*, more honourable, to be a door-keeper in the House of God, then to dwell in the tents of the ungodly, that is, to execute the meanest office in the service of God, then those of greatest renowne among the Heathen and Infidels. Therefore they have by ancient custome even before the Conquest, amongst other the solemnities of their Coronation, not only been girt with the regall sword of Justice by the Lay Peers of the Land, as the embleme of their temporall authority, but anointed also by the Bishops with the

oyle of Priesthood, as a mark unto us of their Ecclesiasticall profession and jurisdiction. And as they have *habenam regni*, put upon them, to expresse the one, so also have they *stolam sacerdotii*, commonly called *vestem dalmaticam*, as a *Leviticall* Ephod, to expresse the other. The reasons of which, if we shall seek from the ancient Institutions of the Church, it is apparent by the Epistle of *Gregory* the great, unto *Aregius* Bishop of *France*, that this *vestis dalmatica*, was of that reverence amongst the Clergy of that time, that the principall Church-men, no not the Bishops themselves, might wear it without licence of the Pope. And when this *Aregius*, a Bishop of *France*, requested that he and his Archdeacon might use it, *Gregory* took a long advisement upon the matter, as a thing of weight and novelty, before he granted it unto them. But 22. years before the time of *Edward* the Confessor, (unto whom those hallowed vestures happily did belong, with which his Majesty was at this day consecrated) these *dalmaticæ*, otherwise called *albæ* & *stolæ*, were by the Councell *Salegunstadiens. cap.* 2. made common to all Deacons, and permitted to them to be worn in great solemnities, which the Kings of *England* also ever since *Edward* the Confessors time, if not before, have always been attired with in their Coronations.

*Ep. l. 7. c. 111.*

*Propter solennitatem Sp. S. Diaconi dalmaticis induantur. Idem Decr. p. distinct. 76. de Jejunio.*

And touching their unction, the very books of the Law doe testifie to be done, to the end, to make them capable of spirituall jurisdiction, for it is there said, that *Reges sacro oleo uncti sunt spiritualis jurisdictionis capaces*; the Kings being anointed with the holy oyle are now made capable of spirituall jurisdiction. This ceremony of unction, was not common to all Christian Kings, for they being about *Hen.* 2. time, 24. in number, onely four

four of them besides the Emperor were thus anointed, namely, the Kings of *England*, *France*, *Jerusalem*, and *Sicil*.

The first English King as far as I can find, that received this priviledge was *Elfred* or *Alured*, the glorious son of noble and devout *Ethelwolphus* King of West-Saxony, who about the year of our Lord 860. being sent to *Rome*, was there by *Leo* 4. anointed and crowned King, in the life of his father, and happily was the first King of this Land that ever wore a Crown, whatsoever our Chroniclers report (for of the 24. Kings I speak of, it is affirmed in ancient books, that only four of them were in those days crowned.) But after this anointing, *Alured* (as if the Spirit of God had therewith come upon him, as it did upon *David* being anointed by *Samuel*,) grew so potent and illustrious in all kindes of vertues, as well divine as morall, that in many ages the world afforded him no equall: zealous towards God, and his Church, devout in prayer, profuse in alms, always in honourable action, prudent in government, victorious in wars, glorious in peace, affecting justice above all things, and with a strong hand reducing his barbarous subjects to obedience of Law, and to love equity; the first learned King of our Saxon Nation, the first that planted literature amongst them; for himself doth testifie in his Preface to *Gregories* Pastorall, that there were very few on the South-side *Humber*, but he knew not one on the South-side of the *Thames*, that when he began to reign, understood the Latine Service, or could make an Epistle out of Latine into English, &c. He fetched learned men from beyond the Seas, and compelled the Nobles of his Land to set their sons to school, and to apply

*Wittlasius Rex Merciorum subditus Ethelwolphi regis West-Sax. Coronat. Ingolf. 856. l. 56.*

ply themſelves to learn the Laws and Cuſtomes of their Country, admitting none to places of Juſtice without ſome learning, nor ſparing any that abuſed their places, for unto ſuch himſelf looked diligently. He divided the Kingdome into Shires, Hundreds, Wapentakes, and them again into Tithings and free Bourghs, compelling every perſon in his Kingdome to be ſo ſetled in ſome of thoſe free Bourghs, that if he any way treſpaſſed, his fellows of that free Bourgh anſwered for him.

The memory of this admirable Prince carrieth me from my purpoſe; but to return to it, his ſucceſſors have ever ſince been conſecrated, and thereby made capable of ſpirituall juriſdiction, and have accordingly uſed the ſame in all ages, and thought by the Pope to be ſo enabled unto it, that *Nicholas* 2. doubted not to commit the government of all the Churches of *England* unto *Edward* the Confeſſor, as by and by we ſhall more largely declare. And the Kings of *France* being ſo likewiſe conſecrated ever ſince the time of *Clodoveus*, aliàs, *Ludovicus*, whom Saint *Remigius* Biſhop of *Rheimes*, both baptized and anointed about the year of our Lord 500. have from time to time, in all ancient ages exerciſed the like Eccleſiaſticall juriſdiction: inſomuch that *Clodoveus* himſelf being but newly entred into it, doubted not to appoint a Councell at *Orleans*, and to call thither the Biſhops and Clergy of *France*, but out of the motion of Prieſtly minde, (to uſe the very words of the Councell) cōmanded the Prieſts, (meaning the Biſhops) to aſſemble there for debating neceſſary matters, which in his own conſideration he had adviſed upon, and delivered to them in heads and titles; and they having anſwered thereunto, and framed the Canons of that Councell, accordingly did ſubmit them to his judgement,

ment, and desiring if it approved them, himself for greater authority would confirm them. *Tom.2. Concil. pag. 309. in rescripto Synodi.*

The Kings of *Jerusalem* and *Sicil*, were also anointed and endowed with Ecclesiasticall authority, whereof we shall speak more anon: for the right of both these Kingdomes resideth at this present upon the Kings of *Spain*, who till the same came unto them, were neither anointed, nor crowned; and though since that time, they have been dignified with both these Prerogatives, yet are they not so illustrious in them, as in the Kings of *England* and *France*, for that these are ancient Kingdomes, raised by their own power and prowesse, and those other of lesse continuance, erected by the Pope, and not absolute, but Feodaries of his Sea. And touching that of *France* also, the meer right thereof resteth upon his Majesty of *England*, though *de facto*, another for the time possesseth it: So that in this point of unction, our Soveraign the King of *England* is amongst the rest of the Kings of Christendome, at this day Peerlesse and transcendent; and well therefore might *William Rufus* say, that himself had all the liberties in his Kingdome which the Emperour challenged in his Empire. *Mat. Paris.*

But I wonder, why the Papists should so confidently deny the Kings of *England* to be capable of spiritualll jurisdiction, when Pope *Nicholas* 2. of whom wee spake before in an Epistle to King *Edward* the Confessor, hath upon the matter agreed, that it may be so; for amongst other priviledges that he there bestoweth upon the Church of Saint *Peter* of *Westminster* then newly founded by that vertuous King; *He granteth, and absolutely confirmeth, that it shall for ever be a place*

*of Regall Constitution and Consecration, —— and a perpetuall habitation of Monkes that shall be subject to no living creature, but the King himself, free from Episcopall service and authority, and where no Bishop shall enter to give any orders, &c.* Tom. Concil. part 3. pa. 1129. a.

In which words I note, first, that the Kings of *England* in those ancient days, being before their Coronation meerly Lay persons, were by their consecration made *candidati Ecclesiasticæ potestatis*, and admitted to the administration thereof; for to what other purpose was Consecration ordained, but to make secular things to belong unto the Temple, and Lay persons to become sacred and Ecclesiasticall? like *Jacobs* stone in the time of the *Morall* Law, which presently upon the anointing thereof became appropriate to the House of God.

Secondly, he plainly maketh the King head of this Monastery, that is, of the place it self, and of all the persons and members therof, which then by consequence he might likewise be of all other Ecclesiasticall persons and places through the whole Kingdome. And even that also he granteth in a sort in the end of his Epistle, *Vobis & posteris vestris regibus committimus advocationem & tuitionem ejusdem loci, & omnium totius Angliæ Ecclesiarum, ut vice nostra cum concilio Episcoporum & Abbatum, constituatis ubique quæ justa sunt.* So that if the Kings of *England* be pleased to execute this Ecclesiasticall authority as the Popes Vicar, then by this his Charter they are invested therewith; and peradventure the Clergy of *Rome* can never revoke it, being granted *posteris regibus:* and the Epistles of the Popes, being as *Barclayus* saith of *Nich.* 1. to *Michael* the Emperour, as an Ecclesiasticall Law, *Lib. de potest. Papæ. ca.* 2. *pag.* 13.

But

But in the mean time it is hereby evident, which I endeavour to prove, that the Kings of *England* are justly capable of spirituall jurisdiction by the Popes own confession, for which purpose onely I here alledge it. And to give more life to the matter, it appeareth by *Baronius*, that Pope *Vrbane* the granted not onely as much in the Kingdome of *Sicil* to the King of *Spain*, being the anointed King thereof, but added also to that his Ecclesiasticall jurisdiction, divers branches of spirituall power belonging meerly to the keys, and not to the sword, that is, to the very function of a Bishop, as namely, that of Excommunication. All which, though *Baronius* impugneth mainly to be of no validity, because that all things are void, (he saith) that the Church doth against her self: yet the King of *Spain* both holdeth, and exerciseth this function and jurisdiction onely by the connivency of the Pope, but defended therein by Cardinall *Ascanius Colonna*, against *Baronius*.

But to leave forain examples, and to goe on with our domesticall precedents; It is manifest by other ancient Authorities, Charters, and Manuscripts, that the Pope thereby granted no more to King *Edward* and his successors, then the same King, and his Predecessors, before assumed to themselves. For this Epistle could not be written to S. *Edward*, before the end of his reign, (*Nicholas* not being Pope till then) and in the Laws of the same King, before that time published, himself doth plainly declare himself to be, *Vicarius suæ Regis*, not *summi pontificis*: yea, and that in the government of the Church. For the words of his own Law, Ἀρχαιονομ. *cap.* 17. be these---- *The King because he is the Vicar of the highest King, is appointed to this purpose, that he should*

*rule his earthly Kingdome, and the Lords people: and should above all things worship his holy Church, and govern it, and defend it against them that would wrong it, and to pull the evill doers out of it, &c.* So that write the Pope what he will, S. *Edward* here taketh upon him to have the rule and government of the Church of *England* (committed to him from God, and not from the Pope) and to be Gods Vicar, not the Popes: wherein he imitated his predecessors; for King *Edgar* speaking of the government of the Church, saith in plain tearms, that it belonged to himself, *ad nos* (saith he) *spectat*. And because *Casaubon* in citing this place out of the Manuscript, is charged by *Parsons* to falsifie it, and that it is, or should be on the contrary, *ad vos spectat, scil. Ecclesiasticos:* give me leave to defend that worthy man being now dead, in whose behalf I must avow that the originall is plainly *ad nos*, and not *ad vos*; which lest it should seem either mistaken, or questionable, King *Edgar* himself doth manifestly clear it, both by deeds and words: for of his own authority he removed generally the Clerks of that time, that were not professed, out of the Monasteries, and placed in their rooms, Monks and regular persons, as appeareth by his owne words, in his Charter of *Malmesbury*. (*Malmsb. pag.* 58. *l.* 17.) And also in the foundation Book of the *Abbey* of *Winchester*, written all in golden letters, wherein likewise he prescribeth the rules for the government of the religious persons there; and saith, that himself will look to the Monks, and that his wife *Ælfthryth* shall look to the Nuns. And lest it should seem that he had done this rather out of the will of a Prince, then by just authority, *Hoveden*, and *Historia Fornalensis*, doe testifie, that he did it by the advice and means

of

of *Ethelwould*, Bishop of *Winton*, and *Oswald*, Bishop of *Worcester*. So that the very Clergy of that time, agnised, executed, and affirmed his jurisdiction herein: which I will close up with a materiall sentence out of his Charter in *Glastenberry*, extant in *Malmsbury de gest. Reg. li. 2. pag. 57.* where the words be these, *Concessit etiam* (scil. Edgarus) *ut sicut ipse in propria, ita totius insulæ causas, in omnibus tam Ecclesiasticis quàm secularibus negotiis, absque ulla ullius centradictione Abbas & Conventus corrigeret*, that is, King *Edgar* granted, that the Abbot & Covent of *Glastenberry* should correct (or amend) all causes, as well Ecclesiasticall as secular, within the whole Isle of *Glastenberry*, as himself did within his own Isle, namely, of *England*. So that the King here denounceth, that himself hath the correction or ordering of all Ecclesiasticall causes within this his Isle. And in further declaration thereof doth by that his Charter by and by after prohibit all Bishops from medling within the Isle of *Glastenberry*: and lest he should seem to doe a new thing, he closeth it up with this apology, That his predecessors, *Cemwines*, *Ines*, *Ethelardus*, *Cuthredus*, *Elfredus*, *Edwardus*, *Ethelstanus*, *Edmundus*, had all of them done the like; and he might have added out of *Bede*, *l. 2. c. 7.* that *Cenwalch* King of West-Saxon, of his own authority divided the Sea of *Agilbert* his Bishop, being a French man, and of another language, which he understood not, and gave one part thereof unto *Winus* a man of his own Nation, which though he were afterwards compelled by necessity and discontent of *Agilbert* to reunite, yet his successor *Inas*, divided them again, and then they so continued. *Hen. Huntington l. 4. pa. 33. l. 49.*

It is true, that *ad majorem cautelam*, King *Edgar* required

red *John* 12. to confirme these priviledges, lest any, as he saith, should in future time, either take them away, or throw out the Monks, but himself had first done it of himself; and the vigor that the Pope added to it, was rather a fortifying of it with a curse against robbers, and spoilers, then an enlargement of the validity thereof, as quickning thereby a livelesse body. For so likewise may the Popes own authority be disputable, insomuch as he also required the generall Synod, then holden at *Rome, Anno* 965. (as *Malmsbur.* saith) to confirm it. But the fashion of those times was, that secular Princes sought sometimes to have their temporall Laws confirmed by the Pope with a curse against the breakers thereof, as did *Howell Dha*, for those his Laws of *Wales*; and in like manner was it usuall for Councels and Synods to seek the confirmation of their Canons from temporall Princes, as did that of *Orleans* before spoken of from *Clodoveus*, and the Councell of *Toledo* from *Euricus*, who made a speciall Law for establishing it, as you may see in the Laws of the *Wisegothes*, *l.* 12. *tit.*1.*ca.*3. *ut sic gladius gladium adjuvaret.*

It may be objected, that *Edgar* being the great King of this whole Isle, (for he styled himself *totius Albionis basileus*) might usurp upon the Church, and doe these things rather in the will of a Prince, then by just authority. It is manifest partly by that which I said before, but plentifully by his Charters, that the Clergy of that time were so far from denying, or repining at this his jurisdiction, that they affirmed and subscribed unto it, as appeareth in his Charters. And how large soever his Dominion was, his humility was as great, for though in matters of government he carried himself

ſelf as the head Officer of the Church, yet in matters of faith he was ſo obedient, that to expiate his incontinency with a Nun, he threw himſelf at the feet of *Dunſtan* his Biſhop, ſubmitted himſelf to ſeven years penance, and preſumed not to be conſecrated till the 14. year of his reign.

But theſe things were no novelties either in the perſon of *Edgar*, or in the Princes of thoſe ages; for the minor Kings themſelves within the orbs of their own Dominion uſed the like juriſdiction, as you may perceive by thoſe cited by *Edgar*, in the Charter of *Glaſtenberry*, and by many other in particular Charters of their own. Yea, the Kings of *Mercia* that were but vaſſals, and underlings to the Kings of Weſt-Saxony, within the limits of their little Kingdome uſed the ſame plenitude of authority, as appeareth by the Charter of *Kenulphus*, who lived about the year 850. made to the Abbot of *Abingdon*, wherein he ſaith, —— *Sit autem pradict' rus liberum ab omni regali obſtaculo, & Epiſcopali jure, in ſempiternum ævum, ut habitantes ejus nullius regis aut miniſtrorum ſuorum, Epiſcopive aut ſuorum officialium jugo deprimantur, ſed in omnibus rerum eventibus ac defenſionibus cauſarum Abbatis Abbindenenſis, Monaſterii de cætero ſubjiciantur*, *Term. Trinitat.* 1 *H.*7.*f.*18.*b.* And it is there ſaid by the Judges, *fol. ſeq.b.* that many Abbeys in *England*, had larger words then theſe in the Kings Charter, as, *Omnimoda juſtitia & quicquid regales poteſtates conferri poſſunt.*

To leave the Saxon Kings, and to come to the *Normans*, that we may ſee by what channell this fluent of authority hath been deduced to his Majeſty. *Lanfranc* Archbiſhop of *Canterbury*, in the Conquerours time, would have given the Abbotſhip of S. *Auguſtinus*, but the

the new King, (saith the book) i. *William* the Conquerour, did deny it, saying, *that he would conferre all Pastorall Staves in his Realm, and would not conferre that power to any whatsoever. Govern you* (saith he) *that which appertaineth to faith and Christianity among the Monks, but for their outward service, you shall let me alone with that.*

You see here, that the King doth not in covert manner, or by little and little, creep into Ecclesiasticall jurisdiction, but with an absolute resolution, whilest he yet stood as it were but upon the threshold of his Kingdome, and might justly fear some notable transmutation in discontenting his Clergy, the halfe arch of his Kingdome, even then hee forbare not to contest with them upon points of jurisdiction, confining theirs unto matters of faith, and extending his own to the uttermost limits of the outward government of the Church. But because his hand and his seal doe more authentically enforce credit, then the report of Authours and Historians, see what he assumeth in his Charter of foundation of the Monastery *Sancti Martini de bello*, commonly called *Battail Abbey*, for that he built it (as *Romulus* did the Capitol) in the place where he overcame his enemies. In this Charter he granteth that, *That Church shall be free from all servitude, and from all things whatsoever mans invention can imagine,* —— *and commandeth therefore that it be free from all government of Bishops* —— *neither shall the Bishop of* Chichester, *though it be in his Diocesse, make any Ordinations there, nor grieve it in any thing, nor execute any kind of government, or authority there; but that it be as free* (saith he) *from all his exactions, as my own Dominicall (or Demesne) Chappell. The Abbot shall not be compelled to goe to the Synod, nor forbidden to promote his Monks to holy Orders, where himself*

*self listeth; nor he, or his Monks to require what Bishop they will to consecrate Altars, &c. And this also by my Regall authority,—I ordain, that the Abbot shall be Lord and Judge of all things in his own Church, and within one league round about it, &c.* see the Charter at large. Here it appeareth, that this victorious King *Will.* 1. took himself to have, *Pallium Ecclesiasticæ jurisdictionis*, the fulnesse of Ecclesiasticall power; and as the supream Magistrate thereof, not only abridgeth and revoketh the jurisdiction of other Bishops within this place, as of the Archbishop of *Canterbury*, and the Bishop of *Chichester*, but disposeth the same according to his owne pleasure, namely, to the Abbey of *Battail*, with so great enlargement of priviledge and authority, as no Bishop of the Kingdome hath the like. *Free from all servitude, and from all things whatsoever mans invention can imagine*, are exquisite words of priviledge, and how far they might stretch at those times, (when the profession of our Laws was not a science) into Regall, or Canonicall jurisdiction, I cannot judge: but I know by *Staffords* case, 1 *H.* 7. *f.* 18. they will now bee restrained with many exceptions. So likewise, that the Abbot shall not be compelled to come at Synods, or to take Ordinations for his Monks, or Consecration of Altars, &c. from the Bishop of his Diocesse, are directly against the Decrees of the Church, Canons, Synods, and generall Councels. As also it is, that hee should be Judge of things in his own Church, and the circuit assigned, which though here it bee but a league, I see not, but he might as well have made it ten, if it had pleased him, and by consequence a County, or Province. And lest the King should seem to have done this by some indulgence from the Pope, or

*Nec aliquis Episcoporum in Diœcesi collegã suum supergrediatur. Con. Carthag. c. 19. Burchard li. 1. ca. 64.*

connivency of his own Clergy, he saith expresly, that he doth it by his *Regall authority*, and that not closely, or under-hand, but *Episcoporum & Baronum meorum attestatione.* And to declare how far the Clergy of that time was from repining or impugning this his jurisdiction, the Archbishop of *Canterbury*, the Bishops of *Chichester*, *Winton*, and *Worcester*, are witnesses to the Charter, and denounce a curse against the breakers thereof. One other thing also is worthy of note, that the Kings Demean Chappell, seemeth by this, not to be within the jurisdiction and Diocesse of any Bishop, but exempt and as a Regall peculiar reserved onely to the visitation and immediate government of the King, or such as it pleaseth him to substitute; for the Archbishop of *Canterbury* hath no jurisdiction there by his own confession, *ut pat. Hoveden l.* 4. 7. *pa.* 547.

*William Rufus* in like manner told *Anselme* Archbishop of *Canterbury*, that no Archbishop or Bishop of his Kingdome should be subject to the Court of *Rome*, or to the Pope, —— *Quòd nullus Archiepiscopus vel Episcopus regni sui* (saith *Mat. Paris.*) *curiæ Romanæ vel Papæ subesset.* And because *Anselm* asked leave of him to fetch his pall from Pope *Vrbane* at *Rome*, —— *hac ob rem* (saith *Mat. Paris.*) *à rege majestatis reus postulatur*; he is called in question of High Treason, and *Gundulphus* Bishop of *Rochester*, and very many other Bishops approved the accusation; *In vita Will.* 2. *p.* 17. & 18. *Malmsbery* reporteth that his offence was for appealing to the Pope in matters between the King and him; but he agreeth that all he had was confiscate, and himself banished by consent of the Bishops; and he addeth further, that being after recalled into the Kings favour, upon a new difference between the

the King and him, he appealed the second time to Pope *Vrbane*, and without the Kings licence would go thither, for which cause his whole Bishopricke and goods were reseised into the Kings hands, and he exiled. And though the Pope threatned to excommunicate the King, if he restored him not, and the Councell then holden at *Rome*, stormed much at the matter, yet *Anselm* continued in that plight during the lives both of the King and the Pope.

*Malmsb. de gest. Pontif. li.* 1. *pa.* 221, *&c.*

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*FINIS.*

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# An answer to a question of a Gentleman of quality (proposed to and made by a Reverend and learned Divine living in *London*) concerning the settlement or abolition of Tithes by the Parliament, which caused him to doubt how to dispose of his Sonne whom he had designed for the Ministrey: wherein also are comprised some Animadversions upon a late little pamphlet called, *The Countryes plea against Tithes*, discovering the ignorant mistakings of the Authors of it, touching the maintenance of the Ministery.

*Sir*,

THough it were high presumption for a private man, as I am, to presage what so wise a Senate as the Parliament will doe for the future, either in point of Tithes, or any other affaire of so publike concernment, yet I hope I may, without reaching above my line, take upon me to tell you, that the ground of your doubt touching their alienation of Tithes from the Ministery, (which I shall bring in its proper place) is but such as will serve rather to beare up a transient suspicion or surmise of such a matter, then a settled assurance that it either is so already, or that hereafter it will be so. For the first, *That it is not so*, I am sure; because,

1. They have passed an Ordinance for the Ministers recovery of Tithes, and other Ministeriall dues from such as doe detaine them, November 8. 1644. which is still in force, through the influence of their power and favour.

2. They have made competent additions to very many livings out of impropriated Tithes in the hands of Delinquents; and this they have done with so much cheerefulnesse, and beneficence on the Ministers behalfe, by the Committee for plundred Ministers, that many have cause to blesse God for them as their great Patrons, and benefactors for that manner of maintenance; wherein they have done beyond and above any Parliament that were

before them, and they continue and persist in the making of such augmentations, as occasion is offered, to this very day.

3. They have given the repulse to divers petitions against Tithes, which by the instinct and instigation of men of unsound principles and unquiet spirits have been put up unto them.

For the second, that they will not take them away in time to come, I have these grounds, if not of infallible certainty, yet of very great probability.

Though they have resolved upon the sale of Bishops lands and revenues, in their Ordinance of November 16. 1646. for that purpose, they have made an especiall exception with respect to the maiutenance of Ministers in these words, *Except parsonages appropriate, tithes, tithes appropriate, oblations, obventions, portions of tithes, parsonages, vicarages, Churches, Chappels, advowsons, donatives, nomination, rights of patronage and presentation.*

In excepting the right of patronage, they meane neither to leave it to the power of the people to choose what Minister they please, (and the practice of the Honourable Committee for plundred Ministers sheweth the same, for they appoint and place Ministers very often without the petitions of the people, and sometimes against them, as their wisedome seeth cause; and if it were not so, many would choose such as deserved to be put out againe.) Nor to put the Ministers upon the voluntary pensions, or contributions of the people for their subsistence, but assigne them under such a title what belongeth unto them by the Laws of the Land, *viz.* Tithes, obventions, &c. which intimates their mind not onely for the present, but for the future.

Their wisedome well knoweth that the Revenue of Tithes as it is most ancient for the originall of it, and most generall in practice, both for times and places, so it hath the best warrant from the word of God (not onely in the old Testament, which none can deny, but in the new, which though it be denyed by some, is averred by others, as D. *Carleton*, M. *Roberts*, D. *Sclater*, M. *Bagshaw*, in their treatises of Tithes, and yet unrefuted by any) and from the Laws of many Christian States, especially from the Statutes of our Kingdome, whereof abundant evidence is given in the booke of the learned Antiquary, S^r *Henry Spelman*.

3. That notwithstanding all the authority that may be pleaded for

for them, the people are backward enough to pay to their Ministers a competent maintenance; and if Tithes should be put down by the Parliament, it would be very much adoe to bring them up any other way to any reasonable proportion of allowance for their support; and so in most places the Ministery would be reduced to extreame poverty, and that poverty would produce contempt of their calling, and that contempt atheisme.

4. That it is evident that such as make the loudest noyse against the tenure of Tithes, are as opposite to the office and calling of Ministers as to their maintenance; and intend by their left-handed Logicke (because as the saying is, the Benefit or Benefice is allotted to the office) to make way for the taking away of the Ministery, by the taking away of Tithes; and not to wait the leisure of consequentiall operation, (according to the craft of *Julian*, who robbed the Church of meanes, expecting the want of wages would in time bring after it a want of workmen) but presently to beare down both, as Relatives mutually inferre one another, as well by a negative as a positive inference; and so as the Parliament having put down the office of the Prelacy, now makes sale of their lands, they, if they could prevaile for the discarding of Tithes, would by the same argument (clamour and slander) presently and importunately presse for deposition of the Ministery. And we see how they take upon them with equall confidence and diligence, not onely to write, but [a] publikely to dispute against them both.

5. That if rights, so firmely set upon so many solid foundations, should be supplanted, it would much weaken the tenure or title that any man hath to his lands, or goods, and would be a ready plea for rash innovators; and the rather, because of the manner of the Anabaptists proceedings, who began their claime of Christian liberty with a [b] relaxation *of Tithes*, and went on to take off the Interdict or restraint in *hunting*, *fishing*, and *fowling*, wherein they would allow neither Nobility, nor Gentry, any more priviledge then the meanest peasant. And as their principles were loose; so were their practices licentious, for they held a [c] *community of goods, and equality of estates*; [d] *whereupon* the *Common people gave over their worke, and whatsoever*

[a] *Erbury* at Oxford and *Cox* at London.
[b] Sleydan Comment. l. 5. fol. 71. a
[c] Ibid.
[d] *Bonorum quoq; communione & humanitate cum primis esse consentaneum, & ut ex dignitate sunt omnes æquales, & ex conditione libere & promiscuè omnibus bonis utuntur.* Ibid. fol. 64. *prope finem.*
[e] *Duo factum est, ut vulgus ab operis atq; labore desisteret, & quâ quisq; re careret ab aliis qui abundabant etiam invitis acciperet.* Ibid. See also l. 10. *princip.*

 they

*they wanted they tooke from the rich even against their good wills*; So that it was a breach of their Christian liberty, belike, to have a lock or a bolt on a doore, to keep a peculiar possession of any thing from them. And the liberty was more and more amplified, according to the fancies of their dreaming doctors, for their dreames were the oracles of their common people; and every day they set forth their liberty in a new edition, *corrupted and augmented*, till all the partition walls of propriety were broken down; and so not content to have other mens goods at their disposall, and to be quit from payment of rents, and debts, (having made a monopoly of Saintship to themselves) they excommunicated all who were not of their faction both out of sacred society of the Church, and out of common communion in the world as wicked and profane, and unworthy not onely of livelyhood but of life also; and usurped a power to [a] *depose Prince and other Civill Magistrates, as they pretended they had commission to kill them, and to constitute new ones in their stead as they should thinke fit.* [b] *Such seditious and sanguinary Doctors*, as *Luther* called them, *did Satan stirre up under the pretext of Euangelicall liberty*; a liberty which in them admitted of no bounds, being like the &c. oath without bankes, or bottome, of no rule or order, being carried on with a wild and giddy violence; such as the great and pernicious impostor of the world prompted them unto, though they vented their diabolicall illusions under the Title of Divine Revelations, as the Prince of darknesse made them believe, when he put on his holy-day habit, the appearance of an Angel of light. 2 *Cor.* 11. 14.

*6.* That the payment of Tithes where there are the fruits of the earth, and increase of cattell, out of which they may be raised, is the most equitable way and meanes of maintaining the Minister, since such a gaine is not onely harmelesse, and without sinne, for the manner of acquisition, (which we cannot say of pensions and exhibitions made up out of trade or traffique) but such as may be most permanent and constant, since whether the Tithe be lesse or more, it is still proportionable to the other nine parts; and if the yeares be plentifull, there is the more provision for house-keeping, if scarce, that part though lesse is the more in price and worth, either for use in kind, or for exchange for

*a Promittebat auxilium quo viz. impius interfectis, novi substituerentur principes & Magistratus: namà Deo sibi mandatum esse profitebatur (scil. Muncerus) ut sublatis illis constitueret novos* Ibid.

*b Sathanas sub Evangelii praetextu multos hoc tempore seditiosos & planè sanguinarios excitavit Doctores.* Sleydan Comment: l. 5. fol. 72.

See more of their Doctrine l. 10. *principio.* and of their doings in the following discourse of the Author of the same booke.

for other commodities. Whereas a rate in money which is competent in some places, and at some times, is incompetent in others, such is the change both of monies and necessaries bought with money. For money, the time was *when* an ounce of silver now at 5. s. was valued but at 20. d. So in the Act of Parliament in the third of *Edward* the first, *Cokes* Instit. part 2. p. 410. *When* 20 markes a year was enough honourably to maintaine a Student at the Innes of Court. *Fortescue* is his Commentary on the Lawes of *England*, c. 49. p. 114. And this was held so great a charge as was to be borne onely by the sonnes of Noblemen, and therefore they onely, saith the same Author, studyed the Lawes in those Innes, *Ibid.* And of old the Revenues fit for a Knight was rated to 20. l. a yeare, of a Baron to 400 markes a year, and of an Earle 400. l. a year: *Cokes* Instit. l. 2. c. 3. Sect. 95. fol. 69. and *Lindwood* in his provinciall Constitutions notes upon the rate of a Vicarage (for such by the fraud and rapine of the superior Popish Cleargy [a] were many times deprived of Tithes, and put to pensions) that it was to be 5 marks in *England*, but in some parts of *Wales* they were content with lesse, afterwards their meanes was augmented to 8 markes a year, but some would not be contented with lesse then 10 marks a year; and, indeed saith the Glosse, 5 markes was too little for Hospitality, and other expences; implying that 10 markes was sufficient for all occasions.

2 As for money, so for commodities to be bought with it, the prices have been very various; In the [b] Statute entituled *Assisa panis & cervisiæ*, made Anno 51 *H.* 3. and Anno Dom. 1266. the dearest rate for a quarter of wheate (which in the middle of the Kingdome is a measure containing eight times four peckes, I render it by that proportion, because it is more genearally knowne) was 12. s. the cheapest 1. s. so that betwixt these two extreames the ordinary rate might be about 6. s. the quarter. And for other provisions the rate set upon them in a dearth in the Reigne of *Edward* the second was this, *for an oxe fatted with grasse fifteene shillings; for one fatted with corn twenty shillings; the best cow twelve shillings, a fat hogge of two yeares old three shillings; a fat sheep shorne fourteen pence, with the fleece twenty pence; a fat goose two pence halfepenny, a fat capon two pence halfepenny, a fat henne a peny,*

[a] *Vicario perpetuum stipendium quinq; marcarum statuitur, nisi in partibus aliquibus walliæ ubi minore contenti sunt.* Lindwood constitut. l. 1. *de offic. vicar.* fol. 46. p. 2 col. 2. in Textu & fol. 47. p. col. 1. *Sed in glos. lit. g. Augmentatio facta est ad 8 Marcas. sed tamen alii qui non sunt contenti sine decem Marcis; & revera 5 Marcæ non sufficiunt ad hospitalitatem & alia* Ibid. in glos. lit. g.

[b] See Polt Abridg. Edict. Londin. 1640. p. 11.

*four pigeons a peny, so that whosoever sold above should forfeit their ware to the King.* Dan.Hist.l.2.p.209. And I well remember that not very many yeares agoe there was a controversie brought before the commissioners of charitable uses in Cheshire, wherein was discovered the cheapnesse of things in former times: the case was thus. There was a legacy of twenty markes given to the parish of Wood-church in that County to buy oxen to till the ground of poore men, with which small summe at the time of the donation, (about sevenscore yeares before) were bought no fewer then twenty yoke of oxen; which because the poore people were not able so to keep that they might be strong to labour, it was thought fit to sell them and to buy in their stead as many milch kine as the mony would reach unto, which were to be hired at a low rate to such as were not able to buy such cattell for themselves. But it is yet a cheaper price we read of in *Edward* the first his dayes, when by *Stat. Westm.* an oxe was to be sold but at 5.s. so in the 13th yeare of *Edward* the 1. cited in *Cokes* Instit. part 2.p.410. How rates are raised in the present age (whether by scarcity of things, or by the increase of people, or multiplication of coyne, or all) is not unknowne to any, and too much experimentally by many whose portion is too penurious for their necessary expences. Nor is this great difference of rates, either for money, or for goods, brought to passe on the sodaine, but raised by degrees; so that if the rule of tithing should be laid down, the Ministers wages must be changed, as *Jacobs* was in *Labans* service, many times over, which would be an intricate trouble to proportion according to severall variations of persons, and places; to which inconvenience the maintenance by Tithes is not obnoxious; nor to any other, which may be compared with such as will hardly be separated (if at all) from the alienation of Tithes.

That if any innovation be made in this matter, and the people be displeased with it, (as they will quickly be displeased with any thing which puts them to cost) they will take the more boldnesse to contemne it, because it is new, and for that it neither hath, nor is like to have such a ratification of authority, either divine, or humane, by constitution or prescription, as tithing hath had; no, though it should be supposed to last to the end of the world. For Tithes were paid 1933 yeares, almost 2000 yeares before

fore Christ; *Salian* Annal. *Tom* 1. *p.* 251. *nu.* 41. & since Christ (excepting some times of persecution) for the most part of sixteene hundred fourty six yeares; and we cannot hope the remaining age of the world will hold out halfe so long.

To these I could adde divers other considerations of importance, which cannot be hid from the prudence of such a multitude of sage Counsellors as that most Honourable Senate the Parliament consisteth of; which maketh me confident that before they give assent to any such petitions as are put up against Tithes, they will be pleased to heare what the Assemblie of Divines can say in answer to such objections, as are framed against them, upon pretence either of Scripture or religious reason.

## Animadversions upon the Petition of the Committee of *Kent*.

AGainst this, that which moved you to thinke the Parliament would take away Tithes, was, that you have read in one of the newes bookes, that the Knights and Gentlemen of *Kent* presented a petition to the Honourable House of Commons, against the payment of Tithes unto Ministers, and that they received thanks from the Speaker in the name of the House for that service, and that it is held fit to be a leading case for all other Counties of the Kingdome.

You must beware how you believe the newes bookes, for they are many times ignorantly and inconsiderately erroneous, or fallaciously false, out of an ill affection to some, and apparent partiality to others.

For the Petition it selfe, 1. It commeth not as from the Knights and Gentlemen of that County in common, (who I am credibly informed are not very well pleased with it) but from the Committee of *Kent*, who (if they be like the Committees in many places) are not all of them men of sound, and orthodox Judgement, neither for matter of Tithes, nor for divers other Tenets of Religion.

2. Howsoever they professe a good meaning to establish a sufficient maintenance *for godly and well deserving Ministers*; a very good meaning to extend it so farre as to succor their widowes

do wes and fatherlesse children, as we see by the 8th proposition of their new project. It will be a probleme (which the present age perhaps will not be able to resolve) who the Trusties in after times will accept for such Ministers; although they may have cause to suspect that some part of *Kent* for the present is not so reformed as it should be; Anabaptists and other sectaries having misled many into adverse principles, not onely to Tithes, but to other matters of moment, concerning mans duty both of the first and second Table.

3. For their exceptions against the received maintenance by Tithes they say first, in generall, *That they bewayle the sad condition of the Country, in respect of the uncertaine floting, and miserable condition of the Ministry, occasioned by the very nature, manner, and adjuncts of the way of Tithes; which the experience of thus many ages doth plainly evince to be miserably attended with these ensuing mischiefes.*

To which I answer;

That the miserable and floting condition of the Ministry proceeds not from the nature, manner or adjuncts of their subsistence by way of Tithes; nor doth the experience of thus many ages (that is, of the precedent ages hitherto) evince so much; for God (who is omniscient, and therefore cannot but foresee all subsequent inconveniences for many hundred yeares to come) established that meanes to be a standing and settled maintenance for his service; and the misery of the Ministry proceeds not from the nature or manner of Tithes (which to affirme may seem to coast too neere their conceipt who imagine God to be the author of sinne) but from the ill consciences of men, who make no scruple to rob God of his right, *Malach.* 3. (for Tithes are his portion, *Levit.* 27. 30.) and Ministers may suffer very much in the present age, because there be many Anabaptisticall sectaries (from which *Kent* is not more free, but as some say, more infected then some other Counties) who take up importunate clamours against Tithes as Antichristian and Jewish; and there will be the more by the countenance they may have from such a petition; and such petitioners, because divers of them are of good reputation not onely for wealth, but for their wisedome and learning well affected to Religion and the Parliament; and I beleeve it the

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rather, because some godly ministers have expressed their approbation both of it & them, though therein I conceive they shewed more of the simplicity of the dove then of the wisedome of the serpent; for albeit their meaning might be so to gather the Tithes, and to put them into such hands, as might be rather for the Ministers ease then for their losse, no man can prophesie that so good a spirit will descend upon their successors, nor how crosse they may prove to such a Christian Intention.

2. For the particular exceptions, they say; first, *That for the nature of this subsistence it is a very mystery, and secret, not easily without much art and industry attained unto; namely for the Minister to know his dues demandable, or the parishioners their dues payable; whence ariseth that multitude of scandalous and vexatious suites and brables betwixt Ministers and people, which doth fill all the Courts at Westminster, and other the Justice-sittings in the Country likewise with causes in this kinde.* Petit.

In this charge there be two particulars contained, first, of the difficulty of knowing the right of Tithes; secondly, of the vexatious suites raised betwixt pastors and people upon that ground.

For the first, It is a very strange mystery, that after so many hundred yeares of Tithing it should not yet be knowne what it is; but I doubt not but in this case the right is better knowne unto Ministers that should receive Tithes, then acknowledged by the people that ought to pay them; And how can they set up their new designe upon the old foundation of Tithing, as they project it, if it cannot be knowne what is the Ministers demandable due, what the peoples payable duty: that modell is more like to be a mystery which they propound, since it was never heard of in this Kingdome untill they had devised it; and as like it is to prove a misery to Ministers, if their portion should come into no better hands then most of theirs, who have petitioned against Tithes since this Session of the Parliament.

And secondly, for the multitude of scandalous and vexatious suites, they make no more against the Right of Tithes, then against borrowing and lending, buying and selling, letting of leases, setling inheritances, Joyntures, &c. upon which titles are set the greatest number of suites; and for suites for Tithes

if the law allow them a right, it alloweth them a remedy to recover that right; and for the suites that were occasioned thereby they are neither so many as is here presented, nor so scandalous for the Ministers part, for they may be imputed to the old avarice of worldly minded men, who being of a contrary mind to the Apostle, thinke it an hard bargaine *to exchange their carnall for the Ministers spiritnall things*; but principally to the new principles and practises of such unreasonable reformers, as imagine they are never farre enough removed from one extreame untill they arrive at the other, accounting all superstitious in point of Tithing that are not sacrilegious.

*Petit.* 2. *For the manner of it, respecting either the collecting or payment of Tithes, it is a mutuall scourge in the hand of Ministers and people each to other, if either or both (as too often it happens) prove covetous or crosse.*

*Answ.* If it be a mutuall scourge, it would well become the wisedome of these Committee-men to enquire where the right is, and who doth the wrong, and to project a way how the wrongdoer may be made to doe right and to give due satisfaction to such as suffer under an undeserved scourge, and I hope when our reformation is grown up to such a competent degree of strength and stature as that it may quit the service of Country Committees, there will be no more cause of such a complaint then for many hundred yeares heretofore there hath been.

*Petit.* 3. *For its adjuncts (that is of the maintenance by Tithes) the mischiefes of them will appeare innumerable, if the pregnancy of onely one be but considered; namely, in the unreasonable proportion of livings, or values of Churches to which they are belonging, whence arise these inseparable evils.*

*Answ.* By what new-found Logick will you frame such an Induction, as from one particular to inferre innumerable mischiefes, particularly from the disproportion of livings? You seeme to thinke otherwise, where you say in your 8th proposition, *that in the distribution of the revenues for Ministers regard must be had to the desert of the person, his family, and charge*; if so, certainly there is a great disproportion in deserts; and for charge it is considerable, not onely for the greatnesse of a Ministers family, but for the dearnesse of his education; some have

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ſpent many yeares, and a large patrimony in the Univerſity, to make them fit for the Miniſtery; and ſhould not they be ſupplied with a more liberall allowance (*cæteris paribus*) then thoſe who have been at little expence both of time & eſtate to be duely qualified for ſuch a calling? If the proportion of parts, and paines, of charge both Academicall, and Oeconomicall, be duely weighed, there will be many more livings found too little then too great for a Miniſters maintenance; eſpecially if you will allow him a Library (ſuch as a learned Knight thought neceſſary for a Miniſter) of 600. l. value. But if the proportion be unreaſonable, muſt Tithes be ſupplanted and their ancient Tenure abolished for ſuch a diſproportion? muſt the foundation be digged up becauſe the building is too high? may not a tree, whoſe branches are too luxuriant, be lopped, and left entire in the bodie and roote? when a mans beard is too long, will you cut off his chinne? that out of doubt were an unreaſonable reformation.

4. From this unreaſonable proportion, you ſay, ariſe theſe unſeparable evils: 1 *That moſt unworthy perſons, who by favour or friendſhip or any ſiniſter Wayes can get into the greateſt livings, being once inveſted with a legall right of freehold for their lives, ſecurely fleece the flocke, and feed themſelves without feare or care, more then to keep themſelves without the compaſſe of a ſequeſtration, whilſt others both painfull and conſcionable both ſerve ſtarve.* *Petit.*

This is not (as you call it) an unſeparable evill from the proportion you ſpeake of; for there be ſome men who have had, and at this preſent have great livings, not by any ſiniſter wayes, but by ſuch favour and friendſhip as is ingenuous, and juſt, and who keep as great a diſtance from deſert of ſequeſtration as any Committee man doth within the County wherein they live. And if they carry themſelves ſo as to be without feare and care, and without the compaſſe of a ſequeſtration, in theſe inquiſitive and accuſative times, they are more to be countenanced and encouraged then many of thoſe who are profeſſed adverſaries to them. But the matter, it ſeemes, that troubles you is, that *they are inveſted with a legall right of freehold for their lives*, and if they have ſuch a right, and walke ſo warily as to keep out of the reach of a juſt ſequeſtration, why ſhould they not enjoy *Arſw.*

it? would you have all to be betrusted to the discretion and conscience of your arbitrary Committees? Truely Gentelemen, we are afraid to trust you so farre, as to give up such a certaine title as formerly and anciently established upon the Incumbent by the fundamentall Lawes of the Land, as the right of any person to his Temporall estate, and to stand to your arbitrary dispensations for our livelihood; lest *Laban*-like you should change our *wages ten times*: and if your petition should take place, it might prove of very ill consequence in another generation, were you never so well minded, and it may be sooner (in the next succession:) for if the Trustees should be either proud or covetous, or prophane or licentious, hereticall, or schismaticall, the best Ministers might happily be the worst dealt withall; and the right of receiving Tithes taken out of their hands might put them into the passive condition of silly and impotent wards under subtill and domineering *Tutors* or *Guardians*, in name *such*, but indeed nothing lesse then assertors and defenders of their rights, as Tutors and Guardians ought to be. And that our feare and jealousie is not without cause in respect of Trustees and Committee-men, nor so much of you in particular, of some of whom we have heard and beleeve much good, as of such as may have as great authority without so good an intention, we shall give you our ground out of the observation and complaint of witnesses above exception, *viz.* the *well affected freemen and covenant-engaged Citizens of the City of* London, *in their humble representation to the right Honourable the Lords and Commons in Parliament assembled*, in these words. *And here we may not omit to hint unto your Honours the exorbitant practises of many Committees and Committee-men, who have such an influence by meanes of their authority upon the people, they being at their Wills and in their power to doe them a displeasure, that they dare not doe otherwise, then obey their unlawfull commands, without the inevitable hazard of their peace and safety; through which meanes tyranny is exercised by one fellow-subject upon another, and justice and equity cannot enter. The cryes of all sorts of people through the land are growne so loud against the people of this vocation and profession, by reason of those grievous oppressions that are continually acted by them, that in tenderness of affection toward our brethren, not being ignorant or insen-*

*sible*

*sible of our owne sufferings in this kind, and the great dishonour accrewing to the Parliament thereby, that we cannot but be earnest suitors to your mercy and justice that such may be dissolved.*

2. For *obtainment of these livings we see such sordid compliances with such persons as have the fattest benefices (as they count and call them) in their dispose; such artifices in contriving, making, and colouring over Simoniacall and sinfull bargaines, compacts, and matches, such chopping of Churches, and restlesse change of places, till they get into the easiest and warmest: and other such like practises not to be named, nor yet to be prevented or removed, otherwise then by plucking up the very roote which naturally brancheth out it selfe into these foresaid mischiefes, so obstructive and destructive to all reformation.* Petit.

Here is a great deale of aggravating rhetoricke against the greatnesse of Church-livings. But why should all this evill be imagined rather of Ministers fat benefices as you say they are called, then of great and gainfull offices in the State? Is there not more care had, and more strict triall taken of Ministers sincerity and integrity then of secular officers? surely we are bound in charity to expect a more reformed Ministery, then we have had, who will rather say unto a Simoniacall patron as *Peter* to *Simon Magus*, *Thy monie perish with thee*, *Acts* 8. 20. then be *Levies* to such a *Simeon* in making a base and corrupt contract for a benefice. And for that you say, that *such practises are not to be prevented or removed, otherwise then by plucking up the very roote, which naturally brancheth it selfe out into these foresaid mischiefes, so obstructive and destructive to all religion.* Whether you meane Tithes to be this roote, or the disproportion of Benefices, or the right of patronage and protection, I cannot tell, but sure I am, that the Apostle cals *covetousnesse the root of all evill*, and so the root of that evill which sometimes passeth betwixt a Patron and his Chaplaine: and may as frequently, and with as much injury be found betwixt some Committee-men and Trustees and the Ministers of their choice, as any other. But as I am confident that there will be an amendment on the Ministers part, by the regular way of the Parliaments reformation, according to the directions of ordination of Ministers already printed & accordingly practised, so will it bee not onely possible, but easie for the State to finde out Answ.

a fit means to prevent prevarication on the part of the Patron; but if Tithes be removed from their ancient foundation, and left loose to the disposall of Trustees or Committee-men, they will be a more ready prey for the covetous into whose hands they may come, and from whose hands perhaps they cannot without great difficulty be redeemed.

Lastly, in the close of this Petition, the Petitioners shew great care that the Ministers may be freed from the incumbrance of Tithes, *to serve the Lord without distraction, and to give themselves to the Word of God and Prayer, and to be onely employed to make ready a people prepared for the Lord*; And so they may do if they be maintained by Tithes; for that means of maintenance gives a man occasion of more and better acquaintance with the particular disposition of his people, and it is his part to *be diligent to know the state of his flock*, *Prov.*27.23. And for that trouble which may be thought inconsistent with the Calling of a Minister, if his means be sufficient, he may have a servant to take it from him, and ease him of it. I know a Minister whose Benefice was a Vicarage, and his Parish so large, that it was 11 miles in length, and of a proportionable breadth, yet did it not put him to the expence of one day in a year to compound for, or gather in his dispersed portion.

Now for the successe and acceptance of the Petition in the Honourable House of Commons, to which it was presented; if such an innovation had been granted for that County, it had been fitter to have been made a *Sibboleth*, for that *cauthe* or angle of the Kingdome (for so the word *Kent* signifieth) as their custome of * *Gavelkind*, then to be made a president or pattern of conformity to other parts of the Kingdome, as the News-Book of the same week prescribed that to his Reader.

But the answer of the worthy Senate was such as may further confirm us in our confidence, that they will still continue to be gracious Patrons of the maintenance of Ministers, and that they will be more ready to ratifie precedent Statutes and their

* *Gavelkind* is a custome anciently observed in *Kent*, whereby the land of the father is equally divided among all his sons, or the land of a brother equally divided among his brethren, if he have no issue of his own, this was so common a custome as appears by the Stat. in the 18. year of *H. 6. ca.* 1. that there were not above 30 or 40 persons in *Kent* that held by any other tenure; but *Anno* 31 *H.*8. *ca.* 3. many Gentlemen upon Petition got an alteration thereof.

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own Ordinance made in that behalf, then to diſſettle their tenure which is founded upon them, and to make Miniſters arbitrary Penſioners to ſuch as may be ſo far ſwayed by miſpriſion of judgement, or perſonall diſ-affection, as to deal moſt penuriouſly with thoſe, who being truly valued (without erroneous miſtaking or injurious miſliking) may both by the eminence of their parts, and their faithfulneſſe in their places, deſerve the moſt ample, and moſt honourable Revenue. I will give you their anſwer in their own words, which are moſt authentick, they are theſe.

M. *Speaker by order of the Houſe of Commons did give the Petitioners (the Committee of* Kent) *thanks for their former ſervices, and took notice of their good affections to the Publique; and did acquaint them, That the great buſineſſes of the Kingdome are now inſtant and preſſing upon them, and that they will take the Petition into conſideration in due time, and that in the mean time they take care that Tithes may be paid according to Law.*

But there are ſome in the Parliament that hold the maintenance of Miniſters by Tithes to be Jewiſh and Popiſh, and therefore they will give countenance to Petitions that are put up againſt them, and doe what they can under ſuch titles to render them offenſive to ſuch as are truly religious, eſpecially to thoſe who have moſt power to aboliſh them. *Object.*

1. It may be there are ſome ſuch, and if there be ſome ſuch among ſo many, it is neither to be thought ſtrange, nor true, for ſuch a number of them as may be able to carry the cauſe againſt the continuance of Tithes. *Anſw.*

2. For the tearm Jewiſh, it is miſ-applyed againſt Tithes, as it was by the Prelates of late, & is by the Anabaptiſts at the preſent againſt the Sabbath; nor are they more Popiſh then Jewiſh; For the Papiſts, though their people pay them, and their Prieſts receive them, yet they for the moſt part holding thē to depend meerly upon Eccleſiaſtical conſtitution, made no ſcruple of changing them into ſecular titles or uſes, as in Impropriations in the hands of Lay-men, and many other diſtributions made out of them ſeverall ways, without any reſpect to the ſervice of the Sanctuary. Nor is there any thing in the payment and receiving of Tithes under the ſtate of the Goſpel, which may probably

bably be suspected to have any savour of Judaisme, or Popery, save onely the payment of Tenths by the Ministers to the King, as hath been lately well observed by Mr *L.* in his second Book against Mr *S.* I will set down his words, and seriously commend them to the consideration of our religious Reformers; they are these, in answer to Mr *S.* his Question.

Qu. *What* [a] *are the maintenance of Ministers by Tithes? Jewish and Popish undenyably.*

Ans. *How? Jewish and Popish undeniably? As undeniably as the Sabbath was Jewish when the Prelates so called it, or the article of the Trinity Popish, as* [b] Valentinus Gentilis *took it, when he disliked the doctrine of the Reformed Churches in that point, because they agreed with the Papists therein. You are grossely mistaken Sir in the tenure of Tithes, for though there be a clamour taken up against them by such as make no scruple either of slander or of sacriledge, and some would change the Ministers portion, which is their masters wages for his own work, and reduce them to voluntary pensions of the people, (because they would have a liberty to begger them who will not humour them in their fond and false opinions, and licentious practises, but oppose them as of conscience they are bound to doe) neither you, nor all your party can prove them either Iewish or Popish, as they are allowed and received for the maintenance of the Ministers of* England. *And because you are so confident in your opinion against Tithes, and shew your self to have a good opinion of* Mr Nye, (*whom with* Mr Goodwin [c] *you cite for a worthy saying touching the golden Ball of Government) I refer you for satisfaction to him, who will tell you (as he hath done divers others in my hearing) that Ministers of the Gospel may hold, and receive Tithes for their maintenance by a right and title which is neither Jewish nor Popish, but truly Christian; and there is nothing Iewish or Popish in Tithes, but the assignation of the* decimæ decimarum, *from the* [d] *Leviticall Priests to the high Priest, from the high Priest to the* [e] *Pope, and from the Pope to the King; when first Pope* Urbane *gave them to* Richard *the second to aid him against* Charles *the French King, and others that upheld* Clement *the seventh against him, as* [f] Polydore Virgil *relateth. And King* Henry *the eighth taking from the Pope the title of head of the Church to himself by* [g] *Act of Parliament, took from*

[a] *Smoke p.25.*
[b] *Quod Ecclesiæ reformatæ adhuc in fide Trinitatis cum Papistis conconveniret. Bell. præfat. in lib. de Christo, Tom. 1. secund Controvers. general. p.271.*
[c] *Smoke p.14.*
[d] *Numb.18 28*
[e] *In veteri lege primitiæ debebantur sacerdotibus, decimæ autem Levitis, & quia sub sacerdotibus Levitæ erant, Dominus mandavit ut ipsi loco decimarum solverent summo sacerdoti decimam decimæ, unde nunc eadem ratione tenentur Clerici summo pontifici decimam dare si exigerat. Aquin. 22.q.87. a.4.ad 3. Soto 9.Inst. q.4. art.4.ad.3. Lorin. in Num. 18.28.p.687.*
[f] *Polyd. Virg. Hist.l.16.*
[g] *Anno 26 H.8. c.1. Poult. Abridg.p.561.*

*from him the tenths, and other profits annexed to that title, which were setled upon the Crown by* [h] *Statute in the 26th year of* Henry *the 8. so that the Iewish high Priesthood being expired, the papall Lordship abolished, the Tithes paid under those titles, may be called Iewish and Popish, but not that which is assigned for the maintenance of Ministers, because they are yet to doe service to their Master, and so to receive the maintenance of his allowance for his work; which fellow-servants cannot take upon them to take away without presumption; their door-neighbour will not allow them a power to appoint the wages of their servants, much lesse may they usurp upon the right of God, and his Ministers, to alienate tithes from the support of his service and worship, for that is rather Popish, as hath before been observed.*

[h] *Ibid. c. 2. p.* 565.

Which being true and clear, (as touching the pedegree of such Tithes from the high Priesthood of *Aaron* to the Independent Prelacy of the Pope, and from him to the King, as by claim from the title, *Head of the Church*, translated from the Miter to the Crown) it will not I conceive be thought congruous to the Christian Reformation (the thorow Reformation professed by our worthy and religious Rulers) that such Monuments of Superstition or Popery should be removed, which were unprofitable, and that onely retained (as a silver shrine to *Diana*) which brings gain to the King or State, and puts the charge upon the Ministers of the Gospel; who thereby (I may say it confidently for some whom I know) are brought to this perplexed *Dilemma*, either to pay them with reluctancy, (as no lesse contrary to their consciences then to their commodities) or to deny or withhold them with suspition, or imputation of avarice, or disobedience to lawfull Authority.

*Obj.* But the Parliament liketh not that Tithes should be proposed, or pressed, as many Divines doe, both in Pulpit, and from the Presse, as of divine right; which because they think to be wrong, they will rather reject them, then ratifie them under a title of so high a strain.

*Answ.* 1. Not onely Divines, but divers [i] others (who are men of very eminent note) hold Tithes to be due by divine right, and some of them have undertaken to prove them so, and to answer all objections against them, which how far they have performed

[i] Sir *Ed. Coke* in his second Report in the Archb: of Can. his case. *f.* 49. *b.* And so the Authour of the foregoing learned Work.

is left to the judgement of indifferent Readers.

2. It is more like that (as both religion and reason will dictate unto them) they will be the more wary how they take them away, lest if that tenure should prove true, they should be found guilty of the sin of sacriledge, that they should abolish them, and that they will seriously search and enquire into the ground of that title, and while they are in doubt, that they will resolve of the safest course, which is, not to repeal them; for as we must forbear to feed of meats of which another saith, that they are *sacrificed to idols*, 2 *Cor.* 10.28. (for his sake that saith it, though but a private Christian;) so if Divines say, (and bring Scripture and reason for it) that Tithes are dedicated to God, or by him assumed, first to himself, and then assigned or set over by him to his servants, for his work in waiting on his worship, which must be maintained to the worlds end, it will be rather a reason for them to support the tenure of Tithes by their Parliamentary power, then any way to prompt or dispose them to desert it, or to alienate their right from Ecclesiasticall uses.

The fear of sacriledge hath been of such force with some heathen Moralists, as *Plutarch* observeth in his Morals, that if they pulled down a house contiguous to a temple, they would leave some of that part standing which was next unto it, lest they should with it take away any part of the Temple it selfe. Wherein if they shewed any spice of superstition, it will be more capable of pardon, or lesse liable to punishment at the hand of God, then we may expect if we proceed hastily to lay violent hands upon any thing peculiarly entituled to his honour, who is the authour and giver of all things to all men.

2. If the plea of a divine right for Tithes (supposing it setteth them up too high) should incline to irritation in some to make opposition against them, why should not the contrary tenet which peremptorily taketh them down too low, calling them Jewish, Antichristian, and Popish, and that undeniably, (as hath been said, but never can be proved) move others the rather to retaine them, and confirm them? chiefly the Parliament (whose authority is most engaged for their justification) and especially since the servants of God have had possession of them by so many laws, and so long a prescription; for according to the

the maxime of the law, *the possessors title is the best untill he bee fairly evicted out of it.*

*Longa possessio (sicut jus) parit jus possidendi & tollit actionem vero domino.* Bract. l. 2. fo. 52.

3. If the Parliament doe not in their approbation of Tithes come up to the tenure of divine right, they may yet be willing enough to establish them upon other grounds, and leave Divines to the liberty of their judgment & consciences to plead for them according to the principles of their own profession, as in their Ordinances made for setting up of the Presbyterial Government, though yet they be not satisfied of the claim of divine right for it, they were pleased to authorize it by their Ordinance, and to require Divines to prepare the people for the reception thereof by preaching of it, and for it; so as both to clear it, and assure it (so farre as they could) by the sacred Scripture.

And on the other side while they approve it, though but by a civill assent, (as to a prudentiall design, untill they see more light, which they look for in the Answer to their Queres proposed to the Assembly of Divines) the Presbyterians who hold it in the highest esteem take none offence that they proceed no farther, and professe themselves well satisfied with their civill sanction; so one of the learned Commissioners of *Scotland* hath said, in the name of the rest, in these words, *If they shall in a Parliamentary and Legislative way establish that thing, which is really, and in it self agreeable to the Word of God, though they doe not declare it to be the Will of Iesus Christ, they are satisfied.*

M. *Gillespie* his brotherly examination of M. *Coleman's* Serm. *p.* 32, 33.

*Ob.* If there were no purpose to put down Tithes by such as are in Authority, how commeth it to passe that the Anabaptists are more bold in *London* to take up a publique contestation against them, then the Presbyterians to make apology for them? for did not one M. *B. C.* an Anabaptist manage a dispute against M. *W. I.* of Chr. and after that undertake another upon the same argument against M. *I. Cr.* and offered to proceed in it against all opposition, which M. *Cr.* durst not doe, upon pretence of a prohibition from authority?

*Ans.* 1. It is no strange thing for men who have a bad cause to set a good face on it, and to make out with boldnesse and confidence what is wanting in truth of judgement, and strength of argument; this is observed of the Papists by a judicious Author, whom he sheweth to have been forward in the *offers of di-*

Sir *Ed: Sands Europ. Specul. p.* 85.

*sputation, with iterated and importunate suits for publique audience and judgement.* And *Bellarmine* reporteth out of *Surius*, that *Io: Cochleus* a great Zealot for the Papacy, offered *to dispute with any Lutheran upon perill of his life, if he fayled in the proof of his part of the Question.*

*Obtulit se ad disputandum cum quovis Lutherano sub pœna capitis si in probationibus defecisset.* B.ll. de Eccles. Script. p. 423.

2. For the boldnesse of the Anabaptists at this time, and in this Cause, and this City, there may be divers conjectural reasons in particular given thereof, besides the generall already observed; as,

1. Because they advance in their hopes of a toleration of their Sect; and to promote that hope they have been so ready to engage in military service, with a designe no doubt to get that liberty by force (if they be able) which by favour of authority they cannot obtain.

2. For this matter of Tithes, they might be more forward to oppose their tenure, because it is a very popular and plausible argument, wherein they might have the good wils of the people, that they might prevail, and their conceits that they did so, (though they did not) because they would *be very apt to beleeve what they vehemently desire may come to passe*; and it is not to be doubted but a dram of seeming probability will prevail more with most worldlings to spare their purses, then an ounce of sound reason to put them to charges.

*Quod valdè volumus facilè credimus.*

3. They might take some encouragement to dispute against Tithes in this City, because there is a project to change the maintenance of the Ministers set on foot by many worthy, and well-minded Citizens, which yet in truth makes nothing for the Anabaptists opinion, who would have Ministers maintained by meer benevolence; for the Citizens, as they intend a more liberall allowance then the former, (since they see many of their Churches are destitute of Ministers, because their Ministers have been destitute of means) so they mean that it shall be certain, setled by Authority, and not left arbitrary to the courtesie of men.

3. For the two disputes, the one managed betwixt M. *W. I.* and M. *B. C.* the other purposed betwixt M. *I. Gr.* and the same *B. C.* but disappointed, it makes nothing at all for the taking away of Tithes; For as touching the former, they who were not

not possessed with prejudice, or corrupted with covetousnesse against the truth, were much confirmed in the lawfulnesse of such rates as are paid in *London* under the title of Tithes, though indeed they are not Tithes, and of such onely was the debate at that time.

For the intended debate which was to be touching the divine right of Tithes, though some godly and prudent men thought it should not have been taken in hand without the warrant of publique authority, yet they made no doubt but that the truth of the cause, or ability of the man, who undertook the defence of it against M. *C.* would prevail unto victory. But for the disappointment, it was by the warrant of the Lord Major of the City, to them both, interdicting the dispute, which was both without M. *I. Cr.* his knowledge, and against his good will; yet he obeyed the prohibition, and when his Antagonist insisted, and urged the performance of what was agreed upon, notwithstanding the contrary command of the Lord Major, his answer was, that it was agreeable to the Anabaptists principles to disobey Authority, but not according to the principles of Presbyterians. And lest *B.C.* should take it for a token of distrust in his cause, and make it an occasion of vain-glory, either against the cause or person of M. *I. Cr.* he proposed the printing of M. *B. C.* his arguments against Tithes, and engaged himself to answer them in print, and so to refer both to the judgment of al unbyassed Readers, which was the best way to give clear and full satisfaction to such as doubt on which side the truth is swayed by the most authentick testimony and soundest reasons.

It is no part of my task for the present to argue farther for Tithes, then may answer the doubt you have proposed to me, which is, of the Parliaments purpose and proceedings touching the establishing, or abolishing of them.

### *Animadversions upon the late Pamphlet intituled,* The Countreys plea against Tithes.

YEt that you may not be scrupled in conscience (as you were in conceit) by a new petty Pamphlet against payment of Tithes, which perhaps may come to your hands; I will give

you some animadversions upon it; which may also be of use to others as well as to you. The title of the Booke is, *The Countryes plea against Tithes*, with this addition, *A Declaration sent to divers eminent Ministers in severall parishes of this Kingdome, proving by Gods Word and morall reason, that Tithes are not due to the Ministers of the Gospell; and that the Law for Tithes was a Leviticall Law, and to endure no longer then the Leviticall Priesthood did, &c.*

Wherein the Authors say much in the outside, but make no answerable proof in the inside of the Booke. They direct it in the Title page as *a Declaration to divers worthy Ministers in the Kingdome*, and in the beginning of the body of the Book they present it as *a joynt Declaration of the people of severall parishes for their opinion concerning Tithes*, as a Reply *to certaine papers from some Ministers, pretending to prove Tithes due by authority of Scripture.* It had been faire dealing if they had printed those papers of the Ministers, that it might appeare how well they had answered them.

But for the confident contradiction of the Divine right they alledge,

1. The novelty of them in the Christian state.
2. The ceremoniality of them, as being meerely Leviticall.
3. The inequality of them in severall respects.
4. The trouble of them to the Minister.

For the first; they referre the *originall* of them under the Gospell, for the author, to Pope *Vrbane*; for the time, to the three hundredth yeare after Christs ascension; and for proofe of both, they cite *Origen*, *Cyprian*, and *Gregory*, at large without any particular quotation to find what they cite: *untill which time*, say they, *there was community of all things among Christians.*

But first, they should tell us which *Vrban* it was, (who they say began to bring Tithes into use for the maintenance of the Ministery) for there were 8 of that Name, and of those 8 (if *Origen* be a witnesse of it) it must be *Vrban* the first, Anno 227 who sate but 6 yeares, & 7 moneths, & there was not another Pope called *Vrban* untill the year 1087. which was long after the latest of those three, *viz. Gregory*, (whether they mean *Greg. Nazianz.* or *Greg. Nyssen*, or *Gregory* surnamed,) the *Great*, Bishop of Rome; and *Origen* testified so much of Tithes recalled by Pope *Vrban*, if their

their originall must be ancienter then 300 years after the ascension; for that *Vrban* lived not beyond the year 234, and *Origen* flourished Anno 226. and if Tithes began when Christians gave over the community of goods, as these men say p. 2. in the name of *Tertullian*, but bring no proofe of it, then had Ministers a propriety in Tithes as soon as others had a propietyof estate; and sooner it could not be. And that which caused this community, the persecution of the Church (which reached to his age: for the next predecessor to that *Vrban*, *Calixtus* was a Martyr) might very well cause a suspension of Tithes for all that time. Tom. 1. Concil. p. 104.

2. *For the tenure of Tithes*; there be 3 disputable opinions: 1 Whether they be Morall; 2 whether Judiciall; 3 whether Ceremoniall, (there is a fourth conceipt that they are meere Almes, which is imputed to *Wickleff* in the 8 session of the councell of Constance; but that admits of no dispute since it is repugnant to all appearance of reason.) 1 Some hold them Morall, as those Ministers whom these men pretend to answer; most of the *Canonists*, *Marc. Anton. de Dom. de Rep. Eccl. l. 9. c. 2. Zepperus* in *Explic. legum forens. Mos. c.* 10. and many English Divines. *Decimæ sunt pura eleemosyna, & parochiani possunt propter peccata suorum prælatorum, ad libitum suum auferre eas.* Concil. Constant. Session. 8. Tom. 7. Concil. p. 1016 col. 2. Artic. 18.

2. Some hold them Judiciall, as *Bell. lib de Cler. c.* 25.

3. Some Ceremoniall, as these parishioners doe. There is the least reason for this last opinion. For Tithes were taken as a tribute by God himselfe as the chiefe Lord of all the earth, *Levit.* 27. 30. whereby hee is acknowledged giver of all; and that it is in his power to curse the earth with barrennesse, and to starve the creatures that live upon it; and this is true of all ages, and therefore we reade of payment of Tithes by *Abraham*, *Gen.* 14. 2. *Heb.* 7. 4. and vowing of Tithes by *Jacob*, before the Leviticall Priesthood was established, *Gen.* 28. 22.

But sacrifices, say they, are ancienter then Tithes, and were long before the Ceremoniall Law was ordained, yet they are not to be continued in the time of the Gospel. *Object.*

True, because they were types of future things to be exhibited in the New Testament, but Tithes have no typicall intimation in their institution or use, being set apart by God for himselfe, and given by him as the wages to his servants for doing his work; which he assigned to the *Levites* for their time, aud made them sutable to their state by peculiar ordinances, as *Num.* 18. 26, 27. &c. *Answ.*

&c. *Levit.* 25. 3. 4. 5. which expired with the Priesthood, though Tithes in generall did not; and therefore such particulars are no more to be urged against that maintenance of Ministers in the New Testament, then the Jewish observations of the Sabbath against the keeping of a Christian Sabbath at this day.

3. For that they say, *of inequality* in respect of *impropriations*, p. 6. in respect of *tradesmen in Townes and Cities*, who gaine more then farmers and pay no Tithes, p. 9. and in respect of the losse which may befall the farmer, when he hath not increase to answer his cost and labour, *Ibid.*

For the two first, it is worthy consideration of those who are in authority how to reduce them to more equality. For the third; the exception lyeth no more against Tithes now, then in the time when they acknowledge them most in force; and when it proveth an ill yeare with the plowman, it will be well for him to consider whether his unconscionablenesse in Tithes have not procured a curse upon his portion, according to the commination in the third of *Malac.* 8. 9.

And lastly, for the *trouble of the Minister*; 1 If he have but a little Tithe, it will be no great trouble for him to order it, especially since he may lawfully exchange it into money. 2. If he have a great Tithe, it will beare the charge of a servant to ease him of the trouble. And 3. If this inconvenience could not be avoided; (as well it may) there would follow farre greater upon the taking away Tithes, such as before we have observed.

With these exceptions against this revenue of Tithes they have delivered something worthy the acceptation of Ministers, which is p. 5. 6. *It is the desire*, say they, *of al Gods people (& so it ought to be) that the Ministers of the Gospell should have a sufficient maintenance allowed them, nay not onely a sufficient maintenance, but an abundant, a large and rich maintenance, such a maintenance as they may live liberally without any other imployment but the Ministery; Nor is it fit or becomming Christians that their Minister should live in a meane condition either of diet or cloathing, but as he is more excellent in calling, so ought he to have a more large & better maintenance in those respects then others, for he feeding the soules with spirituall things, the word of God, the people ought to feed his body liberally with their base temporall things*: and in the next page say they;

*And*

*And is it not a shame for a rich and flourishing common-wealth to have a poore and bare Ministery, either in the generall, or in some particulars? & yet into such a condition have Impropriations brought the Ministery of this common-wealth in very many places.*

They conclude with an addresse to the *high court of Parliament for a reformation in this particular of Tithes*, p. 10. and herein we are content to meet them at the barre of that most wise, pious, and impartiall Judicatory of the Kingdome, who, as they have, so we doubt not but they will ratifie the ancient Statutes, and their owne late Ordinance concerning Tithes; and whatsoever their title be in respect of religion, the people may (though ignorant zelots hold, and covetous worldlings pretend they may not) pay them with good conscience, for the State may impose them for the maintenance of the Ministery, as well as they may impose the 20th part, or any other part they please, to maintaine a just warre, or to pay the debts of the Kingdome; and others may conscientiously submit to such impositions; and hereto the most learned Divines of the reformed Churches doe agree, (though the most of them, as they are mistaken in the true doctrine of the Sabbath, so are they also in this question of Tithes) for albeit they maintaine their Ministers while they live, and provide for their widowes and fatherlesse children, when they are dead, * yet they resolve it lawfull to pay the 10th to the popish priests, though they officiate in an Idolatrous service, upon the command of the Prince, or State under which they live.

This may suffice for this little Treatise, which, though little, if it had not been lesse in weight then in length, I would not have been so observant of the importunity of the Printers calling for my paper, as to dispatch mine animadversions upon it in the short interim of one night, betwixt rising from supper and reposing for sleepe, which yet had been too much if most readers were not too readily prepared to entertaine any Text that makes for their commodity, whether by acquiring advantage, or sparing expences.

Now for your secondary doubt concerning the disposall of your sonne, give me leave, Sir, to give you my sence fully and freely in the case.

* *Cujus legis (scil politicæ) vi nec ipsi fideles reformati denegant solvere decimas in regnis illis, in quibus subjiciuntur. Principibus qui illas lege solvendas sanciunt; qua ratione etiam à theologis responsum fuit nonnullis qui scrupulo conscientiæ se teneri prætendebant, ne pontificiis ecclesiasticis solverent decimas, qui Idololatriæ sunt ministri.* D. Rivet. Exercit. in Genes. Exercit. 80. p. 389. col. 2.

1. I see by you and him (which I am sorry to observe, yet I feare it is like to prove too true in all ages) that if there be not sufficient and certaine meanes allotted to the labourers in the Lords harvest, he is like to have but a few workemen to undertake it, and goe through with it; therefore those that *Julian*-like, take away the hire of spirituall labourers, make way, as much as in them lyeth, for the marring of the harvest; for either there will be a want of workemen, or of such sufficiency in them as may make the worke to prosper in their hands: hence is the miserable condition of the Greeke Church, living (if not languishing) under the dominion of the Turkes, where their Clergy as they are the meanest sort of men, (like *Ieroboams* Priests, who though they were to serve in the *house of high places, were the lowest of the people*, 1 Kings 12.31.) so are they as despicable for their ignorance and meane qualifications every way as for their poverty, having no schooles of learning among them, and therefore more like either to poison or famish the soules committed to their charge, then to feed and nourish them with a competent measure of *the sincere milke of the Word, that they may grow thereby.*

G. Sandys his Travailes l. 1. p. 77.

2. But I feare no such fayling of maintenance for Ministers among us, as may occasion such a discouragement to parents that they should not be willing to dispose of their children in that calling, for feare they should serve Christ upon such poore termes as the Priests of *Isis* did that heathen goddesse, who were not allowed a new suite untill the old was worn to ragges.

Vincent. Charter. *de* Imag. Deor.

3. Yet if that were true which you reade in the weekely pamphlets, or which you had by report, of the likelyhood of putting downe Tithes by the Parliament, I must tell you plainly as your friend, I like not your wavering touching the disposall of your sonne; for if he be furnished with personall abilities for the service of the Sanctuary, if he be (as I hope he is) a man of holy life and conversation, if he find himselfe inwardly moved by the holy Ghost to enter into that holy function, it will be a greater sacriledge in you then robbing of the Church of so much Tithe as would maintaine him, to divert him from the service of Christ, and salvation of soules, through distrust of the divine providence for his support. And therefore,

4. If

4. If I conceived you to be so carnall a father (but I dare not thinke you are such a one) I should turne my speech from you to your sonne, had I opportunity to speake with him, and exhort him not onely to serve Christ, but to suffer for him, in the words of *Hierom* to *Heliodorus*, *rather to tread upon you, if you should lye as a blocke in his way, then to make a stop, or to retire from following after Christ*, though in zeale and haste he should overtake the Crosse; for in such a case *it is a kind of piety* (saith he) *to shew cruelty towards our chiefest friends.*

*Licet in limine pater jaceat; per calcatum perge patrem siccis oculis ad vexillum crucis evola.* Hieron. *ad* Heliodor. Tom. 1. p. 2. *Genus pietatis est in hac re crudelem esse.* Ibid.

Thus, as my little leisure would allow me, I have endeavoured to satisfie your desire in resolving your doubt, and I hope that I have written will reach a little further then you thought of, even to the settling of your resolution to dedicate your sonne to the service of our Saviour; and to serve him upon such tearmes whatsoever they be, as the Divine providence in the condition of the times shall put upon him, and so you have my advice, and you shall have my prayers for you and yours.

*FINIS.*

# AN APOLOGY OF THE TREATISE

*De non temerandis Ecclesiis.*

AGAINST A TREATISE BY an unknowne Authour, written against it in some particulars.

By Sir *Henry Spelman*, Knight.

ALSO HIS EPISTLE TO *Richard Carew* Esquire, of *Anthony* in *Cornwall* concerning Tithes.

LONDON,
Printed by *J. L.* for *Philemon Stephens*, and are to be sold at his shop in *Pauls* Church-yard, at the signe of the gilded Lion. 1646.

# TO THE READER.

THe first Treatise, *de non temerandis ecclesijs*, being published above thirty years agoe, there wanted not the approbation of the best and most religious men in behalfe thereof: neither also wanted there one of a contrary humour, to oppose something: which though it be in such weak manner, as deserved not any just answer from so eminent a person, yet it pleased the learned knight, out of his care to instruct him and others, to shew the weaknesse of his reasons: and that not onely in this apology, but also in a more serious worke, his learned Glossary, so much commended, and desired to be finished, by great Princes and chiefe men, both at home and in forraign parts. The passage shall be here inserted for a more full testimony of the Authors judgement, and of the weaknesse of the adversaries reasons.

## Excerptum è Glossario Domini *Spelmanni* pag. 238. in voce *Ecclesia*.

ECclesia] *pro templo, seu domo, quà fideles convenium, ritus divinos celebraturi. Lippis & tonsoribus notum;*

 *adducor*

*adducor tamen ut asseram, quod sciolus quidam libellum nostrum* De non temerandis Ecclesijs, *pro Marte suo impetens, graviter mihi imponit, τὸ ecclesijs dixisse hac significatione. nec patitur vir bonus ut easdem, ædes appellarem sacras: ludibrio enim habet ejusmodi epitheton, locis vel ædibus attributum. Carpsisset æquiùs, si ignotis ei vocabulis,* Basilicis, Dominicis, Titulis, Curiacis, Martyrijs *vel similibus usus fuissem. Sed doctrinam hominis & farinam videris.*

*Occurrit* ἐκκλησία *apud Græcos veteres, ut* Curia, *&* Senatus *apud Romanos, non solùm pro cætu & congregatione, sed etiam pro loco in quem convenitur, ut ipsa lexica testantur.* Lucianus, καὶ διαφθείραντα τὴν ἐκκλησίαν, *i.e. ubi ecclesiam* (*scil. Curiam in qua consultant*) *undique stravero. perhibetur & Apostolus, secundum plures interpretes, antiquos, medios, recentiores, hoc sensu dixisse.* τὰς ἐκκλησίας τοῦ θεοῦ καταφρονεῖτε, *Ecclesiam Dei contemnitis. Liquide Synodus Laodicena,* ἐν τῇ ἁγιωτάτῃ ἐκκλησίᾳ τῆς ἁγιωτάτης μαρτυρ. ἐυφημίας. *i.e.* in sanctissima ecclesia sanctissimæ martyris euphemiæ. *Tertull. lib. de fuga in persecut. sec.* 3. Conveniunt in ecclesiam: confugiunt in ecclesiam. *Augustin. epist.* 109. Quando ergo simul estis in ecclesia, & ubicunque viri sunt, invicem & pudicitiam custodite. *Hieronymus in* Esaiam *cap.* 60. Videmus Cæsares,---- ædificare ecclesias expensis publicis. *& epist.*8. Alij ædificent ecclesias, vestient parietes marmorum crustis, columnarum moles advehant, earumque deaurent capita, &c. *fastidit in re tam nota olei tantum perdere; clarum est* Ecclesiam *idem esse christianis, quod* Synagogam *Judæis; & Augustinum habes in eandem sententiam in* Psalm.82. *unde & priscus quidam.*

1 Cor. 11.22.

Nobis ecclesia datur, Hebræis Synagoga.

*Plura si cupias, numerosa habeas exempla in Burchardi Decretorum. lib.*3. *qui* de ecclesijs, *inscribitur.*

Besides also not to conceale the doubts and apprehensions

ſions of wiſer and more learned men upon the argument, there was alſo a gentleman of eminent quality and learning, Mr. *Richard Carew* of Anthony in Cornwall who was not ſatisfied in all points, with this treatiſe of Sir *Henry*, whereupon he wrote his doubts in ſome particulars unto him; ſubmitting much to his judgement. Vnto whom for ſatisfaction, Sir *Henry* wrote a very pious epiſtle which ſhall here follow after the apology for ſatisfaction to the better ſort, who ſometime ſtumble out of private intereſt, or paſſion, as well as inferiour men. Hoping that ſuch will be eaſily corrected in their opinion as Mr. *Carew* was, being a Gentleman ennobled no leſſe in regard of his parentage and deſcent, then for his vertue and learning, as *Cambden* teſtifieth of him in his Britannia.*

* In *Cornwall.*

# THE APOLOGY.

*This Apology cleareth some passages, as,*

1. *Touching the word* Ecclesia, *which signifies either a materiall Church, or the Congregation of the people assembled.*
2. *An explication of the text of* Esa. 56. 7. My house shall be called the house of prayer.
3. *The place of the Apostle,* 1 Cor. 11. 12. Despise ye the Church of God?
4. *The exposition of the* 83. Psalm. *against such as destroy Churches, and the maintenance of them, and the Ministers.*
5. *The number of Churches spoilt among us.*

COming to my worthy friend Sir *Ralph Hare*, and lying a while idle there, I thought that idle time fittest for some idle worke, and disposed my selfe therefore to give some answer to such passages of this Treatise, as the Author at his pleasure hath very idly if not maliciously taxed me in. But being far from my books, and having not so much as that Treatise of his by me, or any note out of it, I shall no doubt forget, mistake, omit, and misplace many things. Wherein (good Reader) I must entreat thy patience and favour.

It being brought unto me, I ranne over divers leaves thereof, wherein I met *multa verba, nulla verbera*; but judging therefore the Author by his worke, I thought neither of them worth the answering: himselfe, as it seemeth, some rude Naball delighting in contentions and uncivill speech: wherein I will not contend with him, onely I will consider of his reasons, though indeed they are such as will shew him to be a weake adversarie *Qui strepit magis quàm sauciat*. And therefore though I sit safe out of his dint, yet will I let the reader see, how vainely he bestoweth his shot, and how farre from the marke.

As

As for the parts of my booke wherein I labour as he ſaith, to prove tithes to be due *jure divino*, and his anſwers thereto, my purpoſe is not here to medle with them, for that they require a more ſpacious diſcourſe then either that volume admitted, or I now meane to enter into, it being not a private queſtion, betweene him and me, but long controverted by greater clerks) and left to this day as *queſtionem vexatam non judicatam*. The truth is, the courſe of my argument lead me upon it, and I therefore produced ſome arguments tending to the maintenance thereof, but referring the point unto a greater work, and forbearing to declare my ſelfe therein, without ample and more laborious examination of ſo great a controverſie: leaving therefore that as a generall cauſe, whereof he may perhaps have more another time, I will here wage my ſelfe againſt him onely in thoſe things, wherein he chargeth me particularly in my owne perſon; and paſſing over amongſt them ſuch ſnatches of his, as ſcarcely ruffle the haire, I will onely meddle with thoſe parts, where he thinketh he biteth deepeſt.

Firſt, he quarrelleth with me about the title of my booke, in that I uſe the word *Eccleſia* for a materiall Church, or (as in contempt he termeth it) a * *ſtone-houſe:* affirming in his learning, that it ſignifieth onely the congregation: which aſſertion if he could make good, would give him a great hand in the cauſe, for that much of his argument following lieth very heavily upon this pin. Surely if I gueſſe right ſome Dictionary hath deceived him, for perhaps his reading reacheth not ſo far, as to reſolve him herein: but if two thouſand authorities be ſufficient to defend me withall, I ſpeak it without *hyperbole*, I aſſure my ſelfe I could produce them. Who knoweth

* Steeple-houſe.

knoweth not how ordinary a thing it is, to have one word signifie both the persons, and the place: as *Civitas*, the citizens, or towne; *Collegium*, the society or house; *Senatus*, the Senators, or Senate house; *Synagoga*, the assembly, or place of assembly. I am sure he will confesse, that where it is said, *He loveth our nation and hath built us a synagogue:* It is not there meant of the persons, he built them a congregation, but of the place. A *Synagogue*, and *Ecclesia*, signifie both one and the same thing, the congregation, or place of congregation; in which sense we Christians notwithstanding use onely the word *Ecclesia*, for our congregations, and houses of prayer, for that the Jews had taken up the other word, for their Oratories, according to an old verse:

*Nobis Ecclesia datur, Hebræis Synagoga.*

And in this manner was the word ἐκκλησία used amongst the Greeks before the Christians borrowed it from them, as it appeareth by some of your Lexicons, where it is said, ἐκκλησία, *Cætus, concilium, congregatio*, &c. *ponitur etiam pro loco ipso in quem convenitur.* Lucianus, καὶ διαφωνήσα τὴν ἐκκλησίαν. i.e. *Ubi curiam (in qua consultant) undique stravero.* And that the Church hath ever since used it in the same sort shall by and by appeare, when we come to insist more particularly upon this point. Faine would I know what himselfe would call one of our *stone-Churches*, in Latine. *Templum*, savours of Judaisme; and if I should have used a word of the ancient Fathers, and said, *De non temerandis Basilicis, Curiacis*, or *Dominicis*, it may be I should have driven him to his Dictionary, and yet left him pusled. I thought *fanum* too prophane a word, but he perhaps would think it so much the fitter; for a Church, and a play-house seem a like to him.

Another of his quarrels is that I apply the place of *Isaiah* the Prophet, *cap.* 56. 7. *My house shall be called an house of prayer*, locally to places of prayer, whereas he saith, it was spoken figuratively of the congregation of the faithfull. I exclude not that sense, but I assure my selfe our Saviour Christ, when he whipt the sellers out of the Temple, not out of the congregation, applied this Scripture to the very place of prayer : and it is questionlesse that the old and late classicke writers so expound it.

*Some quotations here were intended out of ancient and moderne Authors, which though I could easily supply, yet being loth to adde any thing to the originall copie, I leave it to the learned reader to consult the Commentators, which is easily done.*

Againe it much offends him, that I interpret the words of Saint *Paul* 1 Cor. 11. 12. *Despise ye the Church of God?* as spoken of the materiall place, which after his manner he will also have to be onely understood of the Congregation ; and had the word *ecclesia* no other signification, then doubtlesse he had obtained the cause. But obserue I pray, what I have formerly said touching that point, and then take into your consideration, the words of the Apostle as they lye in that chapter. First in the 18. verse he saith, συνερχομένων ὑμῶν ἐν ἐκκλησίᾳ. *Quando convenisti in ecclesia.* For these be the very words, and how we shall English them is the question. Whether when ye come together in the Congregation, that is, in the assembly ; or when ye come together in the Church, that is, in the place of the assembly. I confesse the words indefinitely spoken may beare either interpretation, and I condemne neither of them in this place. Yet let us see which is more probable, or at least whether my trespasse deserves his

his reprehension. The Apostle continuing his speech upon the same subject, in the 20. *vers.* goeth on thus: *συνερχομένων ὑμῶν ἐπὶ τὸ αὐτὸ*: as if he should say, *convenientibus igitur vobis in eodem*; leaving *ἐπὶ τὸ αὐτὸ*, *in eodem*, spoken neutrally, and as it were, to be applied either to the assembly, or the place; which to put it out of doubt, *Beza*, and our English *Geneva* translation doe adde the word, *locus*, a place, in a different letter, to declare the meaning of the Apostle and read it accordingly: *When you come together therefore into one place.* So that now it is determined how the word *Ecclesia*, or Church, in the 18. *vers.* before going is to be expounded: and then joyne the words subsequent unto it, wherein the Apostle complaineth of the abusing that thing, which before he spake of, and in reprehension of the abuse committed therein by eating and drinking; he saith *vers.* 22. *Have ye not houses to eate, and to drink in? or, despise ye the Church of God?* Where the very *antithesis* of houses, to eate and drink in, with the Church of God doe still pursue the precedent interpretation of *Ecclesia* for the place of assembly: as if distinguishing betweene places and not persons, he should have said, Your houses are the places to eate and drink in, but the Church is the place of prayer: otherwise he might perhaps have said, Have ye not other meetings to eate and drinke at, but despise ye this holy meeting? And I thinke it not without speciall providence, that the Translators therefore did translate here, *ἢ τὰς ἐκκλησίας τοῦ θεοῦ καταφρονεῖτε? an ecclesiam Dei contemniti?* Despise ye the Church of God? not despise ye the Congregation of God? for the word *Chyrche*, coming of the German word *Kirken*, and that of the Greek word *κυριακὸν*, which signifieth *Dominicum*, or the Lords House, & was in ancient times, as *Eusebius* and

*Nicephorus* witnesse, the common name of materiall Churches, doth to this day properly signifie the same: and we doe never use it for a particular congregation, but either generally for the body or society of the faithfull through a whole kingdome, or common wealth; or particularly for the very place of prayer onely.

This foundation being now laid upon the words of the Apostle himselfe, let us see how it hath been since understood by the Fathers, and Doctors of the Church, as well ancient as moderne. *Hieroms* opinion appeareth already in my booke, and *Chrysostomes* you shall heare anon. But this man despiseth the first, and therefore I am sure he will account as lightly of the second. A Senate of Fathers moves him not an haire: a right monothelite, he opposeth his owne onely will against them all. Yet to satisfie some others, whose eares perhaps may be better in tune, I will cite one who for humblenesse of spirit, integritie of life, and admirable learning for the time he lived in, hath ever since been venerable throughout the world; and no forreigner but our Countreyman *Bede*, who upon these words *Numquid domos non habetis? ---- an Ecclesiam Dei contemnitis?*

*Ecclesia* (saith he) *homines sunt de quibus dicitur ut exhiberet sibi gloriosam ecclesiam, hoc tamen vocari etiam ipsam domum orationum, idem Apostolus testis est, vbi ait, numquid domos non habetis ad manducandum & bibendum? an ecclesiam Dei contemnitis? & hoc quotidianus usus loquendi obtinuit, ut in ecclesiam prodire, ad ecclesiam confugere, non dicatur nisi qui ad locum ipsum, parietesque prodierit, vel confugerit, quibus ecclesiæ congregatio continetur.* But he will say that all this old wine savours of the caske, therefore we will spend no more time in broaching of it. Taste of the new. *Peter Martyr* upon the place. *Quando convenitis*]

*nitis*] *potest* (saith he) *hoc referri ad locum qui unus omnes continebat, ita ut notetur corporalis conjunctio, &c.* and then, *An ecclesiam Dei contemnitis? potest accipi Ecclesia* (saith he) *pro cœtu sacro, vel pro loco quo fideles conveniunt,* &c. *Si vero de loco intellexeris (ut Chrysostomus videtur sentire) docemur contaminari locum ex abusu. Vnde Augustinus dicebat, In Oratorio nemo aliquid agat nisi ad quod factum est, vnde & nomen recepit; ad alia munera obeunda plateas & domus habemus.* And complaining of abusing of Churches he goeth on: *At nunc templa deambulationibus, fabulis & omnibus negotiis prophanis toto die patent. Christus flagello parato ex funiculis, ejectis ementibus, & vendentibus, templum Dei repurgavit:* and goeth still on in this manner much further. *Marlorat* also a common and good friend to our Preachers being well pleased with this exposition and invective of *Peter Martyr*, translateth it *verbatim* into his owne Commentary upon this place; and thereby delivereth it also to the world as his owne opinion.

But come we now to that part of my booke which puts him most out of patience above all the rest, my application of the 83. *Psalme* to such as destroy Churches, and bereave them of their maintenance. This he saith, fitteth my matter as an Elephants skin doth a gnat, yea it hath no cohærency therewith either figuratively, allegoricall, or anagogicall. To retort his scoffe I might say, it seemeth, an Elephant of absurdity to the Gnat of his learning: but I desire rather to satisfie him (*Si malitia non mutaverit intellectum*) then to disgrace him.

It cannot be denied if there be a correspondency betweene the body of our Church and Common wealth, with the body of the Church and Common wealth of the Jewes, the same must also hold proportionably a-

mongst the members thereof, and in consequence that the passages of state, of government, of peace, warre, liberty, oppression, prosperity, adversity, and other occurrents either active or passive, must hold some aspect and analogy, one unto the other. And then also that whatsoever is denounced against the enemies of the one, trencheth comparatively against the enemies of the other. Come then unto the matter. The prophet inveigheth against them that seeke to spoile, oppresse, or disturbe the Church of God seated in India; be it openly by war, or secretly by some stratagem of wit: Doth not this thwart them also that attempt the like in our Church? Yes, saith he, against them of the King of Spaines Armado in 88. and those of the Powder Treason, wherein the universall desolation both of the King and Kingdome, Church and Common-wealth were not onely projected, but attempted by our enemies.

But shew me, will he say, what hath the appropriating of a pelting Parsonage, or the pulling downe of *a stone-house*, which you call a Church, is unto this? for the one is an Elephant, the other but a Gnatt.

I answer. *Eadem est ratio partium quæ est totius.* And out of this reason and analogy our Saviour Christ argueth him that casteth but a lascivious looke to be guilty of the great Commandement, *non mæchaberis*, as well as him that committed the very heinous act it selfe: and then also that whatsoever the Prophet denounceth against them that spoile the Church in generall, the same descends upon every particular man, that spoileth the same in any particular part: as, *Omne genus prædicatur de omnibus & singulis suis speciebus etiam infimis & individuis.*

Now that the taking up of these parsonages and defacing

cing of places of publike prayer is a ſpoile of the Church of God, appeareth in this, that the meanes and maintenance of the ſeruice of God, and of his miniſters is thereby diminiſhed, and deſtroyed, which ſubtraction of maintenance from the miniſter, God in *Malachi* 3.8. declareth to be a ſpoyling of himſelfe, for that his ſeruice is thereby hindred, and his Church impaired. And although this man affirmeth, that although there were never a *ſtone-Church* or miniſter in the kingdome, yet the Church, and ſervice of God might ſtand well enough, for that every mans family is a Church, and every maſter thereof tyed to inſtruct his ſervants, every father his children: yet by example of the Church in the time of the Apoſtles, we ought to have places of publicke prayer, and ſome to inſtruct theſe maſters and fathers; for the husbandman, the artiſan, the day-labourer, are not commanded to neglect their vocation and turne preachers, as too many now adayes do. And though perhaps ſome ſuch good men out of their devotion would preach now and then to inſtruct their brethren, yet who ſhall do it ordinarily, and where ſhall the Aſſembly be entertained; for every town hath not a Guild-hall, a Seſſions-houſe, a Cock-pit, or a Play-houſe fit for ſuch a multitude. And though they may, as he ſaith, ſerve God abroad with *Paul*; in a dungeon with *Ieremy*, or on a muck-hill with *Iob*, yet heat or cold, wet or wind will hinder them at one time or other: ſo that doubtleſſe it were very neceſſary to have a man, and a place publickly appointed for the ſervice of God in every Congregation. And then ſince this man cannot perform his office without maintenance, and ſuch a place as we ſpeake of, the taking of them away puts him from doing his duty, deprives his pariſhioners of their inſtruction, and then by conſe-

consequence spoyles the Church of God; and so the curse of the Psalme lyeth justly against them.

But let us now take a view of the gnat he speaketh of, and which he contemneth so much in respect of the smalnesse thereof. Had there been but three or foure of these livings taken from the Church, his fancy might have had the more colour, to use such fond applications: but if it cometh to three or foure hundred, it groweth now beyond the size of a Gnat, what shall we ☞ then say of 3845. livings, or appropriate Parsonages, thus taken from the Church, which is more by 1126. then the halfe of all those that remaine, and within 897. as many as them all: for the Churches not appropriate are but 5439. through all England and Wales. So that the parishes of the Churches appropriate containe neare about the one halfe of the kingdome, which is more, if *Dardanus.* *Hierome* in his Epistle to *Dardanus* (as I take it) deceive me not, then twice so much as all the land of Iudea, though we reckon the kingdome of Israel into it, but many times more then the kingdome of Iudea, which conteined but the two tribes onely that stucke to God; and of whose times this Psalme seemeth to be a prophecie. And thus ye see both the gnat and the Elephant that he speaketh of, though I mean not to propose them to you by way of comparison, but discover his intemperance or want of judgement.

But to support his credit with a broken prop, it may be he will say, that upon the appropriating these Churches and transferring of them to the King, there was a provision left in most of the parishes for a Vicar, or Curate to do divine service there, and that nothing was taken from them but superfluity: so to keepe them in diet, and bridle their immoderate luxurie, which he proclaimeth

meth to be ſo exorbitant as ſcarcely all England, and Virginia to boot, can ſatisfie. Lord bleſſe us! is it poſſible that our Church-men ſhould become ſo monſtrous? or hath *Shimei* thus railed againſt the body of them without his perill? I hope much better of their temperance, then of his tongue: But I leave them to make their own Apology, for I have digreſſed beyond my purpoſe, and therefore will ſpend no time in diſcourſing upon the proviſion made for Vicars and Curates in theſe Churches appropriate. He ſeemeth to be of *Micahs* mind, that ten ſhekels, or a matter of foure nobles a year, beſides diet and a ſuite of apparell is a faire maintenance for one of our Miniſters. In which point I have elſe-where declared my ſelfe at large, and will not therefore here inſiſt upon it; onely this I would know of him, what ſurpluſage, or ſuperfluity there could be to give unto the King, or take from the Church, when beſides the maintenance of the Miniſters, much was to be diſpoſed by them in relieving the poore, and other pious uſes.

## *Henricus Spelmannus Richardo suo Careo viro præstanti Sal. P. D.*

MInsuetudinis tuæ prorsus est (vir Eximie) ut hominem me parui, & ignotum, tanta benevolentia amplecterere. Quanquam enim secundum honorum vocabula quæ fastus mundanus jam obtinuit, Equestris dignitas major sit Armigera; in multis tamē *Spelmannus* minor est Careo. Nec me certe pudet hoc liberiùs profiteri, Cum magnus ipse sic edocuit *Augustinus*; & Episcopus licet, presbytero cessit *Hieronymo*. Placent equidem & literæ tuæ; & tua omnia; placent seria, placent joci, in nomine verò meo quæ egregia benignitate lusisti non possum in tuo (multò illustriori) retribuere. Palmam igitur cedo, & quod Græcis olim, in Caria sua gente admirati sunt, nos in Carea nostra gente agnoscimus: ingenium splendidum, bellarumque intentionum fæcundissimum. Deus bone! quantum in nomine, & ominis & numinis? Cariæ gentes (inquit *Herodotus* in clione) omnium quæ illis temporibus claruerunt ingeniosissimæ erant. An fatale hoc Careo nomini? etiam in alio orbe, & post tot sæcula? quin & seni? non equidem invideo, miror magis: sed quem laudas authorem? an non Deus hanc tibi præ cæteris coplam fecit? nec sola hæc sed concomitantia multa elargitus est. Quid ergo respondit Simon, (Luc. 7.43.) interroganti domino, Quis plus diliget, nonne is, inquit, cui plus donavit? recte. Nosti quæ volo. Si divina clementia tantas tibi indulserit benignitates, perpende sedulò, quantis te amoris, mu-

 neris

geris & obſequii vinculis tenearis. Bona hæc omnia in te congeſſit bonus hic dominus, animi, corporis, fortunæ: tunc in ipſius familiam hoſtis accingeris? quin & ab eccleſia ſua prædam referes?

*O utinam fortis in re meliore fuiſſes.*

Sed in hoſte probitatem agnoſco; video enim vacillantem te quaſi, & de militia iſta dubie cogitantem. laudo. At ſanum illud conſilium amplectere, quod omnium judicio probatiſsimum habetur, è dubiis certius tene, nec periculis caput objicias: hoc eſt, omnino te non immiſceas rebus ſacris & deo dicatis, hoc porro tutiſsimum. Vides rem non leviter litigatam à doctiſſimis: Vides patres, Concilia, omnemque Theologorum ſcholam, graviter hos inſectari, qui in res eccleſiæ utcunque involaverunt. Eſto quod de decimis diſſentiant, an ſint de jure divino? in iſto tamen non conſentire ſolùm, ſed & conjuraſſe plane omnes videatur, Deo dicata furripi non poſſe in exitium eccleſiæ. Quid autem eſt eccleſiam excindere ſi hoc non ſit? panem tollere miniſtrorum, quin & ſine noxa? At Eccleſiam (aies) in hoc conniviſſe; Epiſcopos conſpiraſſe; parliamentaria ipſa comitia Herculano nodo rem concluſiſſe, & ſanxiſſe? Sanxiſſe dicam? imo Deum teſtor quænam ſit ſanctitas in iſta ſanctione. Sed de re ſumma, ſumma cum humilitate. Noſti quàm lenis ſit eccleſia, tunicam ſubtracturo, pallium etiam dimiſit. *Mat.* 5. Num auferre igitur hæc liceat innocenti? dicant Corvi.

In eo autem cum ſalutis ſpem omnem ſacramque ipſam poſuiſti anchoram; id tandem revolvas animo, quinam hi eſſent Epiſcopi, & quoti? Valerentne ſuis ſuffragiis procerum laicorum multitudini (qui ſpe hæc omnia devoraverant) repugnaſſe? Taceo technas, dolum, inſidias, quæ in tranſigendo negotio forte non defuerant.

Sed

Sed esto ecclesiam læta fronte hæc omnia concessisse; Certe eatenus cum Baronio (Ascanio Cardinali respondente) in sententiam ivero, Ecclesiam nihil posse in se statuere, hoc est, in suam perniciem. Idem enim est & se abnuere, & ministros suos non alere. Nam in primis catalysis illius legibus, nihil statutum est de ministrorum alimonio: mel abripitur, sed nec loculi relinquuntur, nec alveus. Etiam ejiciuntur tam apes, quàm faci, nulla omnino habita examinis ratione. Hoc justum dixeris? Concilio certe tum lapsum est, quod in cæteras itemque regni ecclesias non grassatum sit. Quid enim emeruit ecclesia Petri, ut suis juribus potius privaretur quàm Pauli? Quid ecclesia unius populi magis quam alterius? à neutris enim peccatum est. Ecce ænigmatis solutionem. Viatorem duplicem furibus eripuimus; liberum hunc adhuc, sed illum vinctum: de utroque statuimus (misericordes) ut invenimus. Emancipatur liber, perpetuo carceri addictus est vinctus. Siccine nos edocuit (Luc. 10.) Samaritanus? Sic fidem nostram apud Deum tuemur?

Jurarunt sane hi omnes, jurarunt, inquam, nostri majores, Reges, proceres, parliamentariæ ipsæ celebritates, hoc est, Regnum integrum, omnisque populus, non suo solum sed & nostro, & nepotum nostrorum nomine, interpositis etiam horrendis execrationibus nulla se unquam temporum æternitate, hæc ecclesiæ surrepturos. Quis obsecro nos liberos faciet ab his vinculis? Quis audax orator causam hanc apud Deum aget? An flocci pendeas? Cave ne fidem, quam apud me splendidam habes illicò labefactes. Si beati Rechabitæ, qui nuda ipsa patris sui mandata observaverunt, An non maledicti nos, qui non singularis unius, non privati cujusdam parentis mandata contemnimus? Sed quos dixi horum

omnium fides, sanctiones, vota, juramenta, pertinaci quasi improbitate perfringimus, violamus, mandataque nepotibus anathemata, in singulorum capita tanquam ex desiderio pertrahimus, cum refractariis Judæis dicentes, *Super nos sint, & natos nostros.*

Vereor insanos nos (uti Judæos) non discernere quæ ex his nobis proveniunt calamitates. Deum enim putemus nec mortalium curare vota, sed nec perfidiam: Quid si lex una repentina, ter dena concilia, Senatus-consulta totidem, omnium patrum decreta, una explosione disruperit? adeone in ea sic inhærendum est ut ne in judicium, ne in examen vocetur? non cogitabo equidem quod in Tridentinum Concilium solus ausus est & satis fæliciter *Chemnitius*. Sed iniquas leges peccanti sæpe populo irrepere novum non est; etiam in pœnam alias à Domino immissas esse, ut scriptum est, *Dabo ijs leges quæ non sunt bonæ.* Mihi autem videtur, cum de abolendis monasteriis cogitaret Senatus ille consultus (*Anno 27. Henrici octavi*) nihil etiam tunc in animo habuisse de tollendis parochialium decimis prædijsve: sed de his tantum egisse quæ ipsis cænobiis inherebant: vel si quis id in cornu haberet fæni, latuisse hoc opinor sanctos patres qui concilio aderant: in illo enim Actu ne verbum quidem de parochianis decimis nec de ecclesiis, prædiisve parochialibus. Sed nec de ipsis (quas vocant) appropriatis. Cum verò in vulgus jam exiisset Actus ille parliamentarius, cæperintque omnia demoliri, & vi eripi, è jurisconsultorum prodiit interpretatione, ut præda hæc etiam in casses regios redigeretur. Partita ergo ea demum inter regni nobiles, necessariò tandem habitum est, ut subalternis legibus corroboraretur.

Sed quò me rapiet fili hujus deductio? disrumpendum certe est, ne ulterius trahar in labyrinthum. Putarem incæpturus

cæpturus ſilentii veniam (verbo uno aut altero) à te exoraſſe ; quod in rus vocatum, itineris me cura jam ſollicitat ; Quandoquidem vero neque brevis eſt (dum redeam) via, ſed nec tempus; hæc interea nobis excuſſit amor erga te noſter fuſiùs multo quàm cogitarem. Academici autem nitoris nihil in noſtris paginis diſquiras, oportet. Commune enim illud (quod ſcribis) mihi tecum eſt. Cantabrigia (miſerum me) mater exuit cum 17. æſtates non ſalutaveram, trajectoque celerrime Lincolnienſi hoſpitio, in patrium ſolum adoleſcens revocor. Gravibus hinc inde implicitus negotiis privatis, (nec à publicis liber) ter rapior in Hiberniam. Quod reliquum fuit vitæ ſpatium, domi ſatis ærumnoſe exegi, denuò otii deſiderio captus Londinum tertio hinc anno veni : pace vero mihi videbar exoptatiſſimâ fruiturus, qua Muſarum limina ex voto delibarem. Sed En ! nova in me rerum tempeſtas, nova litium moles, inopinatè proruit ; qua luctantem adhuc varieque agitatum, neſcio quouſque detinuerit. Poetæ autem illud teneo,---- *dabit Deus his quoque finem.* Habes vitæ noſtræ compendium ; & (quam vides) magnam amoris effuſionem donec aliis tuis (per literas) quæſitis reſpondero. Sancte & fæliciter vale.

*Londini*, 18. Septemb. 1615.

# A Treatise concerning Impropriations of benefices,

*Cum privilegio regali.*

## THE PREFACE.

*To the King our most gracious Sovereigne Lord,* Francis Bigod *Knight, his humble and true faithfull subiect, and daily Oratour, wisheth daily augmentation and increase of grace and honour.*

I Did not perfytly know (most gracious, most christen, and most vyctorious Prince) how that amonge all other vertues, that the vertuous gyftes given by grace only, throughe the goodnes of Almighty God, of the incomparable gyfte of gentlenes and humanite, did so habundantly, accumulately, and so manifestly possesse and reigne in your noble and princely hart, till that now it appeareth manifestly by your exterior noble acts and deedes; for els undoubtedly I would not only have bin ashamed so to attempt rudely, foolishly, and rather presumptuously to trouble and disquiet such an imperyall majesty, with this my rude and barbarous writing, in the hinderance of your godly and spirituall studies, with which your highnes taketh such intollerable paine: as well to set forth the mere syncere and new glory of God, as also the establishment, quietnes, and unitie of this your christen Comen welthe. But also in my owne conceit and opinion calling to remembrance my great and manifold insufficiency in learning, to write unto so mighty and famous a Prince I should even by and by have disallowed mine owne behaviour in that behalfe, and judged my selfe worthy of blame. but now considering

dering moſt benigne Soveraigne Lord, how much all your ſubjects be imperpetually bound to laud, praiſe, and glorifie almighty god, to ſend unto us ſo Chriſten a kinge to have rule and governance over us your ſubjects, by whoſe great and ineſtimable diligent labour, charge, ſtudy and paine, we be delivered from the hard, ſharpe, and X.M. times more than judicyall captivity of that Babylonicall man of Rome to the ſweet and ſoft ſervice, yea rather liberty of the goſpell. I can for my part no leſſe do, then to preſent to your grace ſomthing thereby to declare how gladly I would give thankes to your highnes, for ſuch proofs, as I among others have received by this ſaid benefit in our deliverance which act is of it ſelfe ſo highly to the great peace, unyte and welth of this moſt noble Empyre of England, that if there were non other cauſe but that only we were bound to and with all our diligence and induſtry to ſtudy, labour and deviſe how this benefit exceeding all other, might world without end be extolled, praiſed, and made immortall, and to receyte how much the furtherance of gods glory is by the ſame act ſet forth and advanced, my learning ne yet wytte will not ſerve me. Yet I dare boldly afferme, pondering and conſidering depely the effect and circumſtance of this matter, This act is no leſſe worthe then well worthy to be ſet in the booke of Kings of the old teſtament, as a thing ſounding to gods honour, as much as any other hiſtory therein conteyned. but what ſhould I attempt or goe about to expreſſe the condigne and everlaſting praiſes and thankes, which your majeſty hath deſerved of all your hole Cominalt for the benefites before named, unleſſe I would take in hand like an evill workeman which by reaſon of his unperfectnes in his ſcience ſhould utterly ſtaine and deface the thing he

would

would moſt earneſtly and diligently ſhew and ſet forthe. I will therefore moſt excellent Emperor of this realme, ſet all this aſide, and ſhew to your grace the cauſe of my enterpriſe, for ſo much as I perceave that all your gracious proceedings are onely driven and conveyed to the moſt highe, juſt, and ſincere honour of Almighty God, the publique welth, and unity of all Chriſtendome, moſt eſpecially of this your moſt noble Realme of England, it hath animated and incouraged me according to the ſmall talent of learning that the Lord hath lent to me to put your grace in remembrance of the intollerable peſtilence of Impropriations of benefices to religious perſons, (as they will be called) ſome to men, and ſome to women, which in mine opinion is a thing plainly repugnant to the moſt holy and bleſſed decrees and ordinances of Almighty God, and highly to the extolling, ſupporting, and maintenance of the uſurped power of the Biſhop of Rome, as your Majeſty ſhall perceave in reading of this little treatiſe, which your grace not being offended, I ſhall ever, God willing, be able juſtly to defend, and alſo ſtop the mouthes of them, that ſhall ſay and abide by the contrary, and that not with mine owne words, but with authorities of holy Scripture. And further I doe moſt humbly upon both my knees beſeech your Imperiall Majeſty, that unto ſuch time, as this my little book be cleerly confuted by like holy Scripture and authorities, as I have approved theſame, that it may ſafely goe abroad under protection of your gracious and redoubted name.

And for the proſperous preſervation of your moſt royall eſtate, of your moſt noble and vertuous Queene, of your deere daughter Lady Princeſſe, daughter and

heire to you both, (according to my moſt bound duty) I ſhall daily pray, my life enduring.

Note. Sir *Francis Bigott* Knight of Yorkſhire wrote this Treatiſe: whereof this Preface I received from Sir *Henry Spelman*, but the reſt of the book, I could never yet finde, thoughe it be mentioned by ſeverall Authors, *Bale*, *Hollinſhead*, and lately by Sir *Richard Baker* in his hiſtory. It ſeemes to have bin written after the Kings breach with the Pope, his marriage with *Anne Bolen*, and the birth of Queen *Elizabeth*: as I conjecture by circumſtances. His purpoſe was chiefly bent againſt the Monaſteries who had unjuſtly gotten ſo many Parſonages into their poſſeſſions. It is much deſired that if any man have the reſt of the book, that he would pleaſe to communicate the copy, that hereafter, as occaſion ſerves, it may be publiſhed compleatly, together with ſome other things of this argument, that the learned Knight hath committed to my charge: but by reaſon of the preſent troubles I cannot now attend to prepare them for the Preſſe. As for Sir *Francis Bigott* himſelfe, he was found afterwards active in the troubles of Yorkſhire, that happened in 28. *H.* 8. and being apprehended among others, was put to death, 29. *H.* 8. as our common Chronicles doe report.

*Baleus* ſaith of him.

*Franciſcus Bigott ex Eboracenſi patria auratus eques, homo natalium ſplendore nobilis, ac doctus, & evangelicæ veritatis amator, Scripſit contra clerum.* ----- De Impropriaribus. lib. 1. *Quoſdam item latinos libros anglicanos reddidit, inter ſeditioſos tandem, anno Domini* 1537, *invito tamen eo, repertus, eadem cum illis indigna morte periit.*

To

# To the right Reverend Fathers and Brethren, the Bishops and Ministers of *Scotland*.

I Have caused this little Treatise (right reverend and beloved in the Lord Jesus) to be printed againe in North-Britaine, for many causes: first, because I was informed, that there came forth, but a few copies at the first printing thereof in South-Britaine: Againe, I hope this doing will incite that worthy Knight, the Authour thereof, quicklier to send out the greater worke, which he promiseth of that same argument; but principally to incite you, whom these matters most nearely doe concerne, to look into them more advisedly, then as yet ye have done: it was a private occasion, as that worshipfull Gentleman sheweth, that led him to this writing: You have a publique, whereof it is pitty you are so little moved: who seeth not the state of the Church of *Scotland* as concerning the patrimony to go daily from worse to worse? *Sacrilege* and *Simony* have so prevailed that it beginneth to be doubted of many, whether there be any such sinnes, forbidden by God, and condemned in his Word? Neither can you deny the cause of this evill, for the most part to have flowed from your selves: your selling and making away of the Church rights without any conscience, the buying and bartering of benifices, with your shamelesse and slavish courting of corrupt patrones, hath made the world

thinke, that things Ecclesiasticall are of the nature of Temporall things, which may be done away at your pleasures: and where at the first it was meere worldlinesse that led men on those courses, now a great many to outface conscience, and delude all reproofes, they stand not to defend that Lands, Tithes, yea whatsoever belonged to the Church in former ages, may lawfully be alienated by you, and possessed by seculars: which opinion must either be taken out of the mindes of men, or need you not looke to have these wicked facts in this kinde unreformed: to this end should all Ecclesiasticall men labour to informe themselves, as well by the Word as by the writings of Ancients, and Constitutions of Councels, touching the right and lawfulnesse of ecclesiasticall things, that when they are perswaded themselves of the truth, they may the more effectualy teach others. There is no impiety against which it is more requisite you set your selves in this time: for besides the abounding of this sinne and the judgement of God upon the land for the same, who doth not foresee, in the continuance of this course the assured ruine and decay of true Religion?

Of all persecutions intended against the Church the *Julian* was ever held to be the most dangerous: for *occidere presbyteros*, is nothing so hurtfull, as *occidere presbyterium*. When men are taken away, there is yet hope, that others will be raised up in their places: but if the meanes of maintenance be taken away, there followeth the decay of the profession it selfe: Men doe not apply themselves commonly to Callings, for which no rewards are appointed; and say that some have done it in our dayes, some out of zeale, and some out of heat of contention, yet in after-times it is not like to continue

so;

ſo; neither let any man tell me, that a Miniſter ſhould have other ends propoſed to him, then worldly maintenance. I know that to be truth, yet as our Lord in the Goſpel, *hoc etiam oportet facere, Et illud non omittere.* Speaking of payment of tithes to the Phariſees: It behoveth them, ſaith he, to be paid: if not, it is not to be expected, that men will follow the Calling.

To reſt upon the benevolence of the people, as it is a beggarly thing, and not belonging to the dignity of the Miniſtery, ſo the firſt maintainers of that conceit have found the charity of this kinde ſo cold, that they will not any more ſtand by their good-wills, to this allowance. Therefore it lieth upon you to foreſee the eſtate of your Church, and either in this point of maintenance to provide that it may be competent and aſſured, elſe looke not for any thing but ignorance and baſeneſſe, and all manner of miſchiefes which flow from theſe, to invade the whole Kingdome.

How a competency may be provided, except by reſtoring the Church to her rights, I doe not ſee; and what this right is, if I ſhould ſtand to define, and juſtifie it here, I ſhould exceed the bounds of an Epiſtle. Many of this time have cleared the point ſufficiently. And if any ſcruple be remaining, the worthy Authour, I hope, will remove it in the greater worke we expect: whoſe judgement and dexterity in handling the argument, may be perceived by this his little pinnace. It ſhould ſhame us of our calling to come behinde men of his place, either in knowledge, or zeale. His example who is nothing obliged, to labour in theſe points, as you are, ſhall doe much, I truſt, with you, for the time to come. Should any look carefuller to the Vineyard then the keepers? or ſhould any out-goe the ſervants of the houſe in diligence?

gence? Repent therefore and amend your owne negligence, in this behalfe, and call upon others for amendment, whileſt you have time. Thinke it not a light ſin, to ſpoile Gods inheritance; and if we look for heaven, let us be faithfull to our Lord here on earth. I beſeech God to give us all wiſdome, and keep us in minde of that ſtrict account, that we muſt one day give for all our doings, and chiefly theſe which concerne the Church, which is his body. *Amen.*

Note. I thought good not to omit this Epiſtle to the Clergy of *Scotland*, prefixed before this edition at *Edenborough*, preſently after the firſt impreſſion here; both becauſe it proceeded from a pious intent of the Authour, who it ſeemes was very well affected, as alſo becauſe he ſheweth the concurrence and approbation of the beſt religious in that Kingdome, where ſacrilegious practiſes have invaded that Church, more violently, ſince the dayes of reformation, and cleare light of the Goſpel, then ever was done in the darkeſt times of popery. *Rolloc* a grave and learned Divine of *Scotland* hath (beſides Maſter *Knox* and others), in his Commentary upon *Dan.* 2. & 5. diſcovered his judgement againſt the ſacrilegious practices of his time, and countreymen, reprehending them ſharply, for taking to their owne uſe and profit, all that was pulled from the Church: and doth ſeverely cite them to anſwer it before the tribunall of God: which though they neglect and contemne, yet (ſaith he) they ſhall be made inexcuſable thereby.

Master *Knox* not long before his death, wrote to a Generall Assembly holden at *Sterling*, 6. *August* 1571. and his Letter is among the Records of that Assembly, out of which it is also published, with many other Records of Parliaments, and Assemblies there holden in the compasse of sixty years, in a Declaration lately of the Church of *Scotland*.

The mighty Spirit of Comfort, Wisdome, and Concord remaine with you: Deare brethren, if ability of body would have suffered, I should not have troubled you, ----- &c. ---- but now brethren, because the daily decay of my naturall strength threatens unto me certaine and sudden departure from the misery of this life, of love and conscience I exhort you, yea in the feare of God, I charge and command you, that you take heed to your selves, and to the flock over the which God hath placed you Pastours. To discourse of the behaviour of your selves I may not, but to command you to be faithfull to the flock, I dare not forget. Unfaithfull traytours to the flock shall ye be before the Lord Jesus, if that with your consent, directly or indirectly ye suffer, unworthy men to be thrust into the Ministery of the Church, under what pretence that ever it be. Remember the Judge before whom ye must make an account, and resist that Tyranny, as ye would avoid hell fire. This battell I grant will be hard, but the second part will be harder, That is, with the like uprightnesse and strength in

God, ye gain-ſtand the mereileſſe devourers of the patrimony of the Church. If men will ſpoile, let them doe it to their owne perill and condemnation; but communicate ye not with their ſinnes of whatſoever ſtate they be, neither by conſent, nor yet by ſilence, but with publique proteſtation make this knowne to the world, that ye are innocent of ſuch robberies, which will, ere it be long, provoke Gods vengeance upon the committers thereof, whereof you will ſeeke redreſſe of God and man. God give you wiſdome, ſtrength and courage in ſo juſt a cauſe, and meane happy end.

*Knox.*

Saint *Andrews.* 3. Auguſt. 1571.